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THE
CHARLES WILLIAM WASON
COLLECTION ON CHINA
AND THE CHINESE

DEPARTMENT OF LABOR
BUREAU OF IMMIGRATION

TREATY, LAWS, AND
RULES
GOVERNING
THE ADMISSION OF CHINESE

RULES APPROVED JANUARY 24, 1914



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TREATY CONCERNING THE IMMIGRATION OF CHINESE.

TREATY BETWEEN THE UNITED STATES AND CHINA, CONCERNING IMMIGRATION.¹

(22 Stat., 826.)

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA. Treaty of November 17, 1880—

A PROCLAMATION.

Whereas a Treaty between the United States of America and China, for the modification of the existing treaties between the two countries, by providing for the future regulation of Chinese immigration into the United States, was concluded and signed at Peking in the English and Chinese languages, on the seventeenth day of November in the year of our Lord one thousand eight hundred and eighty, the original of the English text of which Treaty is word for word as follows:

Whereas, in the eighth year of Hsien Feng, Anno Domini 1858, a treaty of peace and friendship was concluded between the United States of America and China, and to which were added, in the seventh year of Tung Chih, Anno Domini 1868, certain supplementary articles to the advantage of both parties, which supplementary articles were to be perpetually observed and obeyed:—
and

Preamble of;

Whereas the Government of the United States, because of the constantly increasing immigration of Chinese laborers to the territory of the United States, and the embarrassments consequent upon such immigration, now desires to negotiate a modification of the existing Treaties which shall not be in direct contravention of their spirit:—

Now, therefore, the President of the United States of America has appointed James B. Angell, of Michigan, Commissioners' Plenipotentiary negotiating.

¹Concluded November 17, 1880; ratification advised by the Senate May 5, 1881; ratified by the President May 9, 1881; ratifications exchanged July 19, 1881; proclaimed October 5, 1881.

Commissioners'
Plenipotentiary
negotiating.

John F. Swift, of California, and William Henry Trescott, of South Carolina as his Commissioners Plenipotentiary; and His Imperial Majesty, the Emperor of China, has appointed Pao Chün, a member of His Imperial Majesty's Privy Council, and Superintendent of the Board of Civil Office; and Li Hungtsao, a member of His Imperial Majesty's Privy Council, as his Commissioners Plenipotentiary; and the said Commissioners Plenipotentiary, having conjointly examined their full powers, and having discussed the points of possible modification in existing Treaties, have agreed upon the following articles in modification.

ARTICLE I.

Chinese laborers,
limitation and suspension
of immigration of.

Whenever in the opinion of the Government of the United States the coming of Chinese laborers to the United States, or their residence therein, affects or threatens to affect the interests of that country, or to endanger the good order of the said country or of any locality within the territory thereof, the Government of China agrees that the Government of the United States may regulate, limit, or suspend such coming or residence, but may not absolutely prohibit it.¹ The limitation or suspension shall be reasonable, and shall apply only to Chinese who may go to the United States as laborers, other classes not being included in the limitations. Legislation taken in regard to Chinese laborers will be of such a character only as is necessary to enforce the regulation, limitation, or suspension of immigration, and immigrants shall not be subject to personal maltreatment or abuse.

ARTICLE II.

Chinese subjects in the
United States—

—treatment and
privileges of;

Chinese subjects, whether proceeding to the United States as teachers, students, merchants, or from curiosity, together with their body and household servants, and Chinese laborers who are now in the United States shall be allowed to go and come of their own free will and accord, and shall be accorded all the rights, privileges, immunities, and exemptions which are accorded to the citizens and subjects of the most favored nation.

¹ Affected by various provisions of law prohibiting the admission of Chinese laborers to the United States.

ARTICLE III.

If Chinese laborers, or Chinese of any other class, ^{Chinese sub-} ^{jects in the} now either permanently or temporarily residing in the ^{United States—} territory of the United States, meet with ill ^{treatment and} ^{privileges of.} treatment at the hands of any other persons, the Government of the United States will exert all its power to devise measures for their protection and to secure to them the same rights, privileges, immunities, and exemptions as may be enjoyed by the citizens or subjects of the most favored nation, and to which they are entitled by treaty.

ARTICLE IV.

The high contracting powers having agreed upon the ^{Future legisla-} ^{tion—} foregoing articles, whenever the Government of the United States shall adopt legislative measures in accordance therewith, such measures will be communicated to the Government of China. If the measures as enacted ^{Chinese Gov-} ^{ernment to be ad-} ^{vised of.} are found to work hardship upon the subjects of China, the Chinese minister at Washington may bring the matter to the notice of the Secretary of State of the United States, who will consider the subject with him; and the Chinese Foreign Office may also bring the matter to the notice of the United States minister at Peking and consider the subject with him, to the end that mutual and unqualified benefit may result.

In faith whereof the respective Plenipotentiaries have signed and sealed the foregoing at Peking, in English and Chinese being three originals of each text of even tenor and date, the ratifications of which shall be exchanged at Peking within one year from date of its execution.

Done at Peking, this seventeenth day of November, in the year of our Lord, 1880. Kuanghsü, sixth year, tenth moon, fifteenth day.

JAMES B. ANGELL.	[SEAL.]	Signatures.
JOHN F. SWIFT.	[SEAL.]	
WM. HENRY TRESBOT.	[SEAL.]	
PAO CHÜN.	[SEAL.]	
LI HUNGSAO.	[SEAL.]	

And whereas the said Treaty has been duly ratified on ^{Proclamation.} both parts and the respective ratifications were exchanged at Peking on the 19th day of July 1881:

Now, therefore, be it known that I, Chester A. Arthur, President of the United States of America have caused

the said Treaty to be made public to the end that the same and every article and clause thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done in Washington this fifth day of October in the year of our Lord one thousand eight hundred and eighty-one, and of the Independence of the United States the one hundred and sixth.

[SEAL.]

CHESTER A. ARTHUR.

By the President:

JAMES G. BLAINE,
Secretary of State.

LAWS RELATING TO THE ADMISSION OF CHINESE.

ACT OF MAY 6, 1882, AS AMENDED AND ADDED TO BY ACT OF JULY 5, 1884.¹

(22 Stat., p. 58; 23 Stat., p. 115.)

AN ACT To amend an act entitled: "An act to execute certain treaty stipulations relating to Chinese, approved May sixth, eighteen hundred and eighty-two."

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act entitled "An act to execute certain treaty stipulations relating to Chinese," approved May sixth, eighteen hundred and eighty-two, is hereby amended so as to read as follows:

"Whereas in the opinion of the Government of the United States the coming of Chinese laborers to this country endangers the good order of certain localities within the territory thereof; Therefore

Preamble.

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That from and after the passage of this act, and until the expiration of ten years next after the passage of this act, the coming of Chinese laborers to the United States be, and the same is hereby suspended, and during such suspension it shall not be lawful for any Chinese laborer to come from any foreign port or place, or having so come to remain within the United States."

Laborers — immigration of suspended for ten years.

Section two of said act is hereby amended so as to read as follows:

"SEC. 2. That the master of any vessel who shall knowingly bring within the United States on such vessel, and

¹The act of May 6, 1882, as amended and added to by the act of July 5, 1884, was continued in force for an additional period of ten years from May 5, 1892, by the act of May 5, 1892 (27 Stat., p. 25); and was, with all laws on this subject in force on April 29, 1902, reenacted, extended, and continued without modification, limitation, or condition by the act of April 29, 1902 (32 Stat., p. 176), as amended by the act of April 27, 1904 (33 Stat., p. 428).

Laborers — liability of master of vessel for bringing;

land, or attempt to land, or permit to be landed any Chinese laborer, from any foreign port or place, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars for each and every such Chinese laborer so brought, and may also be imprisoned for a term not exceeding one year."

Section three of said act is hereby amended so as to read as follows:

—exception in favor of resident laborers;

"SEC. 3. That the two foregoing sections shall not apply to Chinese laborers who were in the United States on the seventeenth day of November, eighteen hundred and eighty, or who shall have come into the same before the expiration of ninety days next after the passage of the act to which this act is amendatory, nor shall said sections apply to Chinese laborers, who shall produce to such master before going on board such vessel, and shall produce to the collector of the port in the United States at which such vessel shall arrive, the evidence hereinafter in this act required of his being one of the laborers in this section mentioned; nor shall the two foregoing sections apply to the case of any master whose vessel, being bound to a port not within the United States, shall come within the jurisdiction of the United States by reason of being in distress or in stress of weather, or touching at any port of the United States on its voyage to any foreign port or place: *Provided*: That all Chinese laborers brought on such vessel shall not be permitted to land except in case of absolute necessity, and must depart with the vessel on leaving port."¹

—exception in favor of vessel in distress.

Persons other than laborers— permission to immigrate and identification by Chinese or other foreign government;

* * * * *

"SEC. 6. That in order to the faithful execution of the provisions of this act, every Chinese person, other than a laborer, who may be entitled by said treaty or this act to come within the United States, and who shall be about to come to the United States, shall obtain the permission of and be identified as so entitled by the Chinese Government, or of such other foreign government of which at the time such Chinese person shall be a subject, in each case to be evidenced by a certificate issued by such Government, which certificate shall be in the English lan-

—how identified by "Sec. 6" certificate.

¹ Sections 4 and 5 have been superseded by the act of September 13, 1888, and are therefore omitted. If needed for reference in historical way or in connection with prosecutions, see earlier editions of this pamphlet, or 23 Stat., 115.

guage, and shall show such permission, with the name of the permitted person in his or her proper signature, and which certificate shall state the individual, family, and tribal name in full, title or official rank, if any, the age, height, and all physical peculiarities, former and present occupation or profession, when and where and how long pursued, and place of residence of the person to whom the certificate is issued, and that such person is entitled by this act to come within the United States.¹

“If the person so applying for a certificate shall be a merchant, said certificate shall, in addition to above requirements, state the nature, character, and estimated value of the business carried on by him prior to and at the time of his application as aforesaid: *Provided*, That nothing in this act nor in said treaty shall be construed as embracing within the meaning of the word ‘merchant,’ hucksters, peddlers, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.²

Merchants—additional data in certificates of;

—who are not.

“If the certificate be sought for the purpose of travel for curiosity, it shall also state whether the applicant intends to pass through or travel within the United States, together with his financial standing in the country from which such certificate is desired.

Travelers—additional data in certificates of.

“The certificate provided for in this act, and the identity of the person named therein shall, before such person goes on board any vessel to proceed to the United States, be viséed by the indorsement of the diplomatic representatives of the United States in the foreign country from which such certificate issues, or of the consular representative of the United States at the port or place from which the person named in the certificate is about to depart; and such diplomatic representative or consular representative whose indorsement is so required is hereby empowered, and it shall be his duty, before indorsing such certificate as aforesaid, to examine into the truth of the statements set forth in said certificate, and if he shall find upon examination that said or any of the statements therein contained are untrue it shall be his duty to refuse to indorse the same.

“Sec. 6” certificate—consular visé of;

¹ Official signing certificate must be known or shown to have authority from foreign Government, 54 Fed., 490. For list of such officials, see Rule 10.

² For definition of “Merchant,” see sec. 2, act Nov. 3, 1893; of “Student,” Rule 8.

"Sec. 6" certificate—

—is prima facie evidence against United States and sole evidence for holder;

—penalties for forging or uttering false.

Manifest—master of vessel to furnish sworn;

"Such certificate viséed as aforesaid shall be prima facie evidence of the facts set forth therein, and shall be produced to the Chinese inspector in charge of the port in the district in the United States at which the person named therein shall arrive, and afterward produced to the proper authorities of the United States whenever lawfully demanded, and shall be the sole evidence permissible on the part of the person so producing the same to establish a right of entry into the United States; but said certificate may be controverted and the facts therein stated disproved by the United States authorities."¹

SEC. 7. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge any such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, shall be deemed guilty of a misdemeanor; and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars, and imprisoned in a penitentiary for a term of not more than five years.

Section eight of said act is hereby amended so as to read as follows:

"SEC. 8. That the master of any vessel arriving in the United States from any foreign port or place shall, at the same time he delivers a manifest of the cargo, and if there be no cargo, then at the time of making a report of the entry of the vessel pursuant to law, in addition to the other matter required to be reported, and before landing, or permitting to land, any Chinese passengers, deliver and report to the Chinese inspector in charge of the district in which such vessels shall have arrived a separate list of all Chinese passengers taken on board his vessel at any foreign port or place, and all such passengers on board the vessel at that time. Such list shall show the names of such passengers (and if accredited officers of the Chinese or of any other foreign Government, traveling on the business of that Government, or their servants, with a note of such facts), and the names and other par-

¹ *Sec. 6 certificates.*—Must conform strictly to all requirements—186 U. S., 168, 176; 83 Fed., 832; 133 Fed., 392; 22 Op. Atty. Gen., 130. Administrative officers sole judge of sufficiency and weight of—186 U. S., 168, 176. Admission under not for laboring purposes—83 Fed., 832; 86 Fed., 605; 133 Fed., 154 and 391. Sole evidence permissible on part of Chinese—140 U. S., 424; 48 Fed., 668; 93 Fed., 797; 97 Fed., 576; 100 Fed., 609.

ticalars as shown by their respective certificates; and such list shall be sworn to by the master in the manner required by law in relation to the manifest of the cargo. Manifest—

“Any refusal or willful neglect of any such master to comply with the provisions of this section shall incur the same penalties and forfeiture as are provided for a refusal or neglect to report and deliver a manifest of the cargo.” —penalty for failure to furnish.

SEC. 9. That before any Chinese passengers are landed from any such vessel, the Chinese inspector in charge, or his deputy, shall proceed to examine such passengers, comparing the certificates with the list and with the passengers; and no passenger shall be allowed to land in the United States from such vessel in violation of law. Inspection of Chinese.

Section ten of said act is hereby amended so as to read as follows:

“SEC. 10. That every vessel whose master shall knowingly violate any of the provisions of this act shall be deemed forfeited to the United States, and shall be liable to seizure and condemnation in any district of the United States into which such vessel may enter or in which she may be found.”¹ Liability of vessel for violation of law.

Section eleven of said act is hereby amended so as to read as follows:

“SEC. 11. That any person who shall knowingly bring into or cause to be brought into the United States by land, or who shall aid or abet the same, or aid or abet the landing in the United States from any vessel, of any Chinese person not lawfully entitled to enter the United States, shall be deemed guilty of a misdemeanor, and shall on conviction thereof, be fined in a sum not exceeding one thousand dollars, and imprisoned for a term not exceeding one year.”² Liability of persons aiding or abetting unlawful entry by water.

Section twelve of said act is hereby amended so as to read as follows:

“SEC. 12. That no Chinese person shall be permitted to enter the United States by land without producing to the proper Chinese inspector the certificate in this act required of Chinese persons seeking to land from a vessel. Entry of Chinese by land.

“And any Chinese person found unlawfully within Deportation—

¹ See 148 Fed., 918 and 921.

² *Smuggling*.—In general—46 Fed., 755; 124 Fed., 831; 159 Fed., 187, and 421; 164 Fed., 654; 168 Fed., 438; 170 Fed., 201 and 624. “Searches and seizures”—See 149 U. S., 698, 730, and 185 U. S., 306. Deportation decree of U. S. commissioner sufficient basis for holding that smuggled Chinese were not entitled to enter—124 Fed., 831. See also Rule 7 and footnote.

Deportation— the United States shall be caused to be removed therefrom to the country from whence he came, and at the cost of the United States, after being brought before some justice, judge, or commissioner of a court of the United States and found to be one not lawfully entitled to be or to remain in the United States; and in all such cases the person who brought or aided in bringing such person to the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority as a marshal or United States marshal in reference to carrying out the provisions of this act or the act of which this is amendatory, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation to be audited and paid by the same officers.

—liability for expenses of;

—authority of State officers to cause;

—cost of if person has required certificate.
(Repealed by act of Aug. 24, 1912.)

“And the United States shall pay all costs and charges for the maintenance and return of any Chinese person having the certificate prescribed by law as entitling such Chinese person to come into the United States who may not have been permitted to land from any vessel by reason of any of the provisions of this act.”¹

Section thirteen of said act is hereby amended so as to read as follows:

Diplomatic officers exempt.

“SEC. 13. That this act shall not apply to diplomatic and other officers of the Chinese or other Governments traveling upon the business of that Government, whose credentials shall be taken as equivalent to the certificate in this act mentioned, and shall exempt them and their body and household servants from the provisions of this act as to other Chinese persons.”

Naturalization of Chinese prohibited.

SEC. 14. That hereafter no State court or court of the United States shall admit Chinese to citizenship; and all laws in conflict with this act are hereby repealed.²

Section fifteen of said act is hereby amended so as to read as follows:

Act applicable to “Chinese” generally.

“SEC. 15. That the provisions of this act shall apply to all subjects of China and Chinese, whether subjects of China or any other foreign power; and the words Chinese laborers, wherever used in this act shall be construed to mean both skilled and unskilled laborers and Chinese employed in mining.”³

“Laborers” broadly defined.

¹ This provision is superseded by one on the same subject contained in the Sundry Civil Act of August 24, 1912, p. 32, *post*.

² See 149 U. S., 698, 716; 71 Fed., 274; 21 Op. Atty. Gen., 37 and 581

³ Amended by act of November 3, 1893. See also Rule 2.

SEC. 16. That any violation of any of the provisions of this act, or of the act of which this is amendatory, the punishment of which is not otherwise herein provided for, shall be deemed a misdemeanor, and shall be punishable by fine not exceeding one thousand dollars, or by imprisonment for not more than one year, or both such fine and imprisonment.

SEC. 17. That nothing contained in this act shall be construed to affect any prosecution or other proceeding, criminal or civil, begun under the act of which this is amendatory; but such prosecution or other proceeding, criminal or civil, shall proceed as if this act had not been passed.

Approved, July 5, 1884.

ACT OF SEPTEMBER 13, 1888.¹

(25 Stat., pp. 476-477.)

AN ACT To prohibit the coming of Chinese laborers to the United States.

* * * * *

SEC. 5. That from and after the passage of this act, no Chinese laborer in the United States shall be permitted, after having left, to return thereto, except under the conditions stated in the following sections.

SEC. 6. That no Chinese laborer within the purview of the preceding section shall be permitted to return to the United States unless he has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement.²

The marriage to such wife must have taken place at least a year prior to the application of the laborer for a permit to return to the United States, and must have been followed by the continuous cohabitation of the parties as man and wife.

¹ At the time of the passage of this act a proposed treaty with China was under negotiation. As the Chinese Government failed to ratify the treaty, some question arose as to whether this act took effect. Administrative officers held, however, that secs. 5 to 14, excepting sec. 12, did not depend upon the ratification of the treaty, but became operative upon the approval of the act. To remove all possibility of doubt, said sections were reenacted by the acts of 1902 and 1904.

² See Rule 13 and footnotes thereto.

Laborers—
—property and
choices in action
of must be bona
fide;

—promissory
notes of insuffi-
cient;

—identification
of;

—regulations for,
to be prescribed
by Secretary of
Labor.

Return, certifi-
cate for—

—shall be sole
evidence of right
to return, and
shall not be trans-
ferred;

—limitation of;
—extension of in
case of sickness;

If the right to return be claimed on the ground of property or of debts, it must appear that the property is bona fide and not colorably acquired for the purpose of evading this act, or that the debts are unascertained and unsettled, and not promissory notes or other similar acknowledgments of ascertained liability.

SEC. 7. That a Chinese person claiming the right to be permitted to leave the United States and return thereto on any of the grounds stated in the foregoing section, shall apply to the Chinese inspector in charge of the district from which he wishes to depart at least a month prior to the time of his departure, and shall make on oath before the said inspector a full statement descriptive of his family, or property, or debts, as the case may be, and shall furnish to said inspector such proofs of the facts entitling him to return as shall be required by the rules and regulations prescribed from time to time by the Secretary of Labor,¹ and for any false swearing in relation thereto he shall incur the penalties of perjury.

He shall also permit the Chinese inspector in charge to take a full description of his person, which description the inspector shall retain and mark with a number.

And if the said inspector, after hearing the proofs and investigating all the circumstances of the case, shall decide to issue a certificate of return, he shall at such time and place as he may designate, sign and give to the person applying a certificate containing the number of the description last aforesaid, which shall be the sole evidence given to such person of his right to return.²

If this last-named certificate be transferred, it shall become void, and the person to whom it was given shall forfeit his right to return to the United States.

The right to return under the said certificate shall be limited to one year; but it may be extended for an additional period, not to exceed a year, in cases where, by reason of sickness or other cause of disability beyond his control, the holder thereof shall be rendered unable sooner to return, which facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for

¹ By the act of February 14, 1903 (32 Stat., p. 828), the authority and power with respect to the enforcement of the exclusion laws theretofore vested in the Secretary of the Treasury were transferred to the Secretary of Commerce and Labor and by the act of March 4, 1913, to the Secretary of Labor; hence this change and other similar changes in the wording of this reproduction of the several acts.

² For procedure, see Rule 13.

the United States, and certified by such representative of the United States to the satisfaction of the Chinese inspector in charge at the port where such Chinese person shall seek to land in the United States, such certificate to be delivered by said representative to the master of the vessel on which he departs for the United States.¹

Return certificate—extension of in case of sickness—by U. S. consular officer;

And no Chinese laborer shall be permitted to re-enter the United States without producing to the proper officer in charge at the port of such entry the return certificate herein required.² A Chinese laborer possessing a certificate under this section shall be admitted to the United States only at the port from which he departed therefrom, and no Chinese person, except Chinese diplomatic or consular officers, and their attendants, shall be permitted to enter the United States except at the ports of San Francisco, Portland, Oregon, Boston, New York, New Orleans, Port Townsend, or such other ports as may be designated by the Secretary of Labor.

—indispensable to readmission of laborer at port from which departed.

Ports of entry.

SEC. 8. That the Secretary of Labor shall be, and he hereby is, authorized and empowered to make and prescribe, and from time to time to change and amend such rules and regulations, not in conflict with this act, as he may deem necessary and proper to conveniently secure to such Chinese persons as are provided for in articles second and third of the said treaty between the United States and the Empire of China, the rights therein mentioned, and such as shall also protect the United States against the coming and transit of persons not entitled to the benefit of the provisions of said articles.

Regulations, Secretary of Labor to prescribe;

And he is hereby further authorized and empowered to prescribe the form and substance of certificates to be issued to Chinese laborers under and in pursuance of the provisions of said articles, and prescribe the form of the record of such certificate and of the proceedings for issuing the same, and he may require the deposit, as a part of such record, of the photograph of the party to whom any such certificate shall be issued.

—also form of certificates;

—and deposit of photographs.

SEC. 9. That the master of any vessel who shall knowingly bring within the United States on such vessel, and land, or attempt to land, or permit to be landed any Chinese laborer or other Chinese person, in contravention

Penalties for violation of act by master of vessel—

¹ See Rule 14.

² If laborer departs and returns without such certificate, he is subject to deportation, 120 Fed., 989; 21 Op. Att. Gen., 424; 23 Op. Att. Gen., 619.

Penalties for
violation of act
by master of ves-
sel—

of the provisions of this act, shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be punished with a fine of not less than five hundred dollars nor more than one thousand dollars, in the discretion of the court, for every Chinese laborer or other Chinese person so brought, and may also be imprisoned for a term of not less than one year, nor more than five years, in the discretion of the court.¹

—exception if
vessel in distress
or touching at
port;

SEC. 10. That the foregoing section shall not apply to the case of any master whose vessel shall come within the jurisdiction of the United States in distress or under stress of weather, or touching at any port of the United States on its voyage to any foreign port or place. But Chinese laborers or persons on such vessel shall not be permitted to land, except in case of necessity, and must depart with the vessel on leaving port.

—for forgery of
certificate.

SEC. 11. That any person who shall knowingly and falsely alter or substitute any name for the name written in any certificate herein required, or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in any such certificate, and any person other than the one to whom a certificate was issued who shall falsely present any such certificate, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars and imprisoned in a penitentiary for a term of not more than five years.

* * * * *

Arrest and de-
portation of Chi-
nese—

SEC. 13.² That any Chinese person, or person of Chinese descent, found unlawfully in the United States, or its Territories, may be arrested upon a warrant issued upon a complaint, under oath, filed by any party on behalf of the United States, by any justice, judge, or commissioner³ of any United States court, returnable before any justice, judge, or commissioner of a United States court, or before any United States court, and when convicted, upon a hearing, and found and adjudged to be one not lawfully entitled to be or remain in the United States, such person

¹ See secs. 10 and 11, act of 1882-1884 and footnotes.

² The validity of this section is discussed in 47 Fed., 431, 433, 878; 50 Fed., 271; 55 Fed., 58.

³ Commissioners may decide questions of citizenship, 186 U. S., 193, 200; but a certificate issued by them is not of itself evidence of adjudication, 193 U. S., 65, 78; 119 Fed., 786; 161 Fed., 211; 174 Fed., 70; 21 Op. Atty. Gen., 581. A claim of citizenship *res judicata* based upon a commissioner's decision must be proved by introducing in evidence the complete original record or a certified complete copy thereof. (Id.)

shall be removed from the United States to the country whence he came.¹ Arrest and deportation of Chinese—

But any such Chinese person convicted before a commissioner of a United States court may, within ten days from such conviction, appeal to the judge of the district court for the district.² —appeal to judge of district court;

A certified copy of the judgment shall be the process upon which said removal shall be made, and it may be executed by the marshal of the district, or any officer having authority of a marshal under the provisions of this section. —process for deportation;

And in all such cases the person who brought or aided in bringing such person into the United States shall be liable to the Government of the United States for all necessary expenses incurred in such investigation and removal; and all peace officers of the several States and Territories of the United States are hereby invested with the same authority in reference to carrying out the provisions of this act, as a marshal or deputy marshal of the United States, and shall be entitled to like compensation, to be audited and paid by the same officers. —liability of person aiding entry for expenses of; —authority of state officers in connection with.

SEC. 14. That the preceding sections shall not apply to Chinese diplomatic or consular officers or their attendants, who shall be admitted to the United States under special instructions of the Department of Labor, without production of other evidence than that of personal identity. Diplomatic and consular officers exempt.

* * * * *

Approved, September 13, 1888.

¹ For procedure regarding deportation see Rules 23-25.

² *Appeals*.—Not allowed to Government—123 Fed., 159. Are to district court, not judge—194 U. S., 194; 50 Fed., 271. Policy of law opposed to numerous—186 U. S., 193, 201. Must be taken in ten days—100 Fed., 730, and 153 Fed., 494. See also 110 Fed., 952, 144 Fed., 968, and 147 Fed., 750, and sec. 6, act of 1892.

Decision of commissioner or lower court will not be reversed on questions of fact unless clearly contrary to evidence—49 Fed., 569; 63 Fed., 261; 114 Fed., 702; 116 Fed., 316 and 614; 128 Fed., 697; 137 Fed., 875; 164 Fed., 330; 170 Fed., 182.

Statements made by arrested Chinese to an inspector at time of arrest are admissible in evidence when such Chinese is brought to trial, 134 Fed., 19, 25; 195 Fed., 53, 54; 198 Fed., 596, 599-600; 198 Fed., 603, 604; 203 Fed., 25, 28.

Deportation proceedings.—Are civil, not criminal—149 U. S., 698, 730; 81 Fed., 562; 118 Fed., 442; 126 Fed., 226; 134 Fed., 19; 145 Fed., 791. Defendants can be required to testify for Government—145 Fed., 791; 146 Fed., 670; 147 Fed., 227; and punished for contempt for refusal to testify—160 Fed., 207, and 163 Fed., 1008. Are not "causes" within Rev. Stat., sec. 566, 146 Fed., 343.

ACT OF MAY 5, 1892.¹

(27 Stat., p. 25.)

AN ACT To prohibit the coming of Chinese persons into the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all laws now in force prohibiting and regulating the coming into this country of Chinese persons and persons of Chinese descent are hereby continued in force for a period of ten years from the passage of this act.

Period of ex-
clusion extended.

Deportation—

—to China;

—to country
other than China;
—*proviso*, in case
of foreign tax.

Burden of proof
on arrested Chi-
nese.

Imprisonment
of convicted Chi-
nese.

SEC. 2. That any Chinese person or person of Chinese descent, when convicted and adjudged under any of said laws to be not lawfully entitled to be or remain in the United States, shall be removed from the United States to China, unless he or they shall make it appear to the justice, judge, or commissioner before whom he or they are tried that he or they are subjects or citizens of some other country, in which case he or they shall be removed from the United States to such country: *Provided*, That in any case where such other country of which such Chinese person shall claim to be a citizen or subject shall demand any tax as a condition of the removal of such person to that country, he or she shall be removed to China.²

SEC. 3. That any Chinese person or person of Chinese descent arrested under the provisions of this act or the acts hereby extended shall be adjudged to be unlawfully within the United States unless such person shall establish, by affirmative proof³ to the satisfaction of such justice, judge, or commissioner, his lawful right to remain in the United States.⁴

SEC. 4. That any such Chinese person or person of Chinese descent convicted and adjudged to be not lawfully entitled to be or remain in the United States shall be im-

¹ The act of October 1, 1888 (25 Stat., p. 504), was repealed by the Treaty of 1894, 21 Op. Atty. Gen., 68; hence its omission from this pamphlet.

² Burden on Chinese to show he is entitled to be deported elsewhere than China, 125 Fed., 627. See also 47 Fed., 305; 116 Fed., 612; 20 Op. Atty. Gen., 171.

³ Burden of proof on arrested Chinese, 149 U. S., 698; 180 U. S., 486; 186 U. S., 193, 200; 193 U. S., 65, 76 and 517; 54 Fed., 334; 57 Fed., 206; 86 Fed., 896; 105 Fed., 188; 111 Fed., 899; 113 Fed., 898; 118 Fed., 442; 125 Fed., 627; 133 Fed., 45; 145 Fed., 791; 146 Fed., 343, 146 Fed., 670; 156 Fed., 247; 161 Fed., 211; 185 Fed., 838; also on those applying for admission, 125 Fed., 641; 185 Fed., 838.

⁴ For procedure of arrest and deportation see Rule 23.

prisoned at hard labor for a period of not exceeding one year and thereafter removed from the United States, as hereinbefore provided.¹

SEC. 5. That after the passage of this act, on an application to any judge or court of the United States in the first instance for a writ of habeas corpus, by a Chinese person seeking to land in the United States, to whom that privilege has been denied, no bail shall be allowed, and such application shall be heard and determined promptly without unnecessary delay.²

SEC. 6.³ And it shall be the duty of all Chinese laborers within the limits of the United States at the time of the passage of this act, and who are entitled to remain in the United States, to apply to the collector of internal revenue of their respective districts, within one year after the passage of this act, for a certificate of residence, and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act, or who, after one year from the passage hereof, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue, or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as hereinbefore provided, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness or other unavoidable cause, he has been unable to procure his certificate, and to the satisfaction of the court, and by at least one credible white witness, that he was a resident of the United States at the time of the passage of this act; and if upon the hearing it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be

Writ of habeas corpus to be heard promptly—

—bail not allowed under.

Laborers, registration of required;

—penalty for failure, arrest and deportation;

—excuses for failure.

Residence certificate—granting of;

—loss of, and procurement of certificate in lieu.

¹ This provision is void; see 163 U. S., 228.

² Since the passage of the act of 1894 (28 Stat., pp. 372, 390, reenacted in sec. 25 of Immigration Act), the decision of administrative officers, after proper hearing, is final; 189 U. S., 86; 198 U. S., 253; 208 U. S., 8; 223 U. S., 673; 168 Fed., 479. Bail not permitted in case of appeal from decision on writ, 65 Fed., 788.

³ Amended by act of November 3, 1893; see next page.

detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer granting it, and in such cases the cost of said arrest and trial shall be in the discretion of the court.

Persons not la-
borers, registra-
tion of.

And any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge.¹

Laborers, regis-
tration of re-
quired.

SEC. 6. [as amended by section 1 of the act of November 3, 1893]. And it shall be the duty of all Chinese laborers within the limits of the United States who were entitled to remain in the United States before the passage of the act to which this is an amendment to apply to the collector of internal revenue of their respective districts within six months after the passage of this act for a certificate of residence; and any Chinese laborer within the limits of the United States who shall neglect, fail, or refuse to comply with the provisions of this act and the act to which this is an amendment, or who, after the expiration of said six months, shall be found within the jurisdiction of the United States without such certificate of residence, shall be deemed and adjudged to be unlawfully within the United States, and may be arrested by any United States customs official, collector of internal revenue or his deputies, United States marshal or his deputies, and taken before a United States judge, whose duty it shall be to order that he be deported from the United States, as provided in this act and in the act to which this is an amendment, unless he shall establish clearly to the satisfaction of said judge that by reason of accident, sickness, or other unavoidable cause he has been unable to procure his certificate, and to the satisfaction of said United States judge, and by at least one credible witness other than Chinese, that he was a resident of the United States on the fifth of May, eighteen hundred and ninety-two; and if, upon the hearing, it shall appear that he is so entitled to a certificate, it shall be granted upon his paying the cost.²

Penalty for fail-
ure—

—arrest and de-
portation;

—excuses for fail-
ure.

Residence cer-
tificate, granting;

—loss of and pro-
curement of certi-
ficate in lieu.

Should it appear that said Chinaman had procured a certificate which has been lost or destroyed, he shall be detained and judgment suspended a reasonable time to enable him to procure a duplicate from the officer grant-

¹ These registration provisions are constitutional, 149 U. S., 698. Registration under either act is sufficient, 110 Fed., 154.

² See 70 Fed., 318, and 152 Fed., 157; also Rule 20.

ing it,¹ and in such cases the cost of said arrest and trial shall be in the discretion of the court; and any Chinese person, other than a Chinese laborer, having a right to be and remain in the United States, desiring such certificate as evidence of such right, may apply for and receive the same without charge; and that no proceedings for a violation of the provisions of said section six of said act of May fifth, eighteen hundred and ninety-two, as originally enacted, shall hereafter be instituted, and that all proceedings for said violation now pending are hereby discontinued:

Persons other than laborers, registration of;

Proceedings under former act discontinued.

Provided, That no Chinese person heretofore convicted in any court of the States or Territories or of the United States of a felony shall be permitted to register under the provisions of this act; but all such persons who are now subject to deportation for failure or refusal to comply with the act to which this is an amendment shall be deported from the United States as in said act and in this act provided, upon any appropriate proceedings now pending or which may be hereafter instituted.

Felons—not permitted to register;

—deportation of.

SEC. 7. That immediately after the passage of this act the Secretary of the Treasury shall make such rules and regulations as may be necessary for the efficient execution of this act, and shall prescribe the necessary forms and furnish the necessary blanks to enable collectors of internal revenue to issue the certificates required hereby, and make such provisions that certificates may be procured in localities convenient to the applicants.

Regulations, Secretary of the Treasury to prescribe;

—also blank forms.

Such certificates shall be issued without charge² to the applicant, and shall contain the name, age, local residence and occupation of the applicant, and such other description of the applicant as shall be prescribed by the Secretary of the Treasury, and a duplicate thereof shall be filed in the office of the collector of internal revenue for the district within which such Chinaman makes application.

Certificates of residence—contents;

—duplicates of;

SEC. 8. That any person who shall knowingly and falsely alter or substitute any name for the name written in such certificate or forge such certificate, or knowingly utter any forged or fraudulent certificate, or falsely personate any person named in such certificate, shall be

—forgery of.

¹ See Rule 21.

² It was provided by joint resolution of December 7, 1893 (28 Stat., p. 575) that no fee or other compensation should be charged in connection with the registration.

guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not exceeding one thousand dollars or imprisoned in the penitentiary for a term of not more than five years.

* * * * *

Approved, May 5, 1892.

ACT OF NOVEMBER 3, 1893.

(28 Stat., p. 7.)

AN ACT To amend an act entitled "An act to prohibit the coming of Chinese persons into the United States," approved May fifth, eighteen hundred and ninety-two.

[Section 1 reenacted, with amendments, section 6 of the act of May 5, 1892, and the amended section is printed with the act of May 5, 1892, ante.]

"Laborer" defined.

SEC. 2. The words "laborer" or "laborers," wherever used in this act, or in the act to which this is an amendment, shall be construed to mean both skilled and unskilled manual laborers, including Chinese employed in mining, fishing, huckstering, peddling, laundrymen, or those engaged in taking, drying, or otherwise preserving shell or other fish for home consumption or exportation.¹

"Merchant" defined.

The term "merchant," as employed herein and in the acts of which this is amendatory, shall have the following meaning and none other: A merchant is a person engaged in buying and selling merchandise, at a fixed place of business, which business is conducted in his name,² and who during the time he claims to be engaged as a merchant, does not engage in the performance of any manual labor, except such as is necessary in the conduct of his business as such merchant.

Domiciled merchants—evidence to establish former status of.

Where an application is made by a Chinaman for entrance into the United States on the ground that he was formerly engaged in this country as a merchant, he shall establish by the testimony of two credible witnesses other than Chinese the fact that he conducted such business as hereinbefore defined for at least one year before his departure from the United States, and that during such

¹ *Laborers*.—Who are: 21 Fed., 785; 57 Fed., 591; 59 Fed., 561; 66 Fed., 953 and 955; 83 Fed., 143; 86 Fed., 303; 87 Fed., 312; 93 Fed., 797; 97 Fed., 576; 100 Fed., 609; 105 Fed., 188; 116 Fed., 614; 137 Fed., 875; 184 Fed., 685; 1 Dist. Ct. Hawaii, 104. Who are not: 76 Fed., 450; 94 Fed., 831; 145 Fed., 801.

² Name need not appear in firm name, but must appear in books and partnership articles: 62 Fed., 914; 94 Fed., 831. See also 193 U. S., 517, 521.

year he was not engaged in the performance of any manual labor, except such as was necessary in the conduct of his business as such merchant, and in default of such proof shall be refused landing.¹

Such order of deportation shall be executed by the United States marshal of the district within which such order is made,² and he shall execute the same with all convenient dispatch; and pending the execution of such order such Chinese person shall remain in the custody of the United States marshal, and shall not be admitted to bail.

Deportation—
execution of order
of;

—bail not allowed
pending.

The certificate herein provided for shall contain the photograph of the applicant, together with his name local residence and occupation, and a copy of such certificate, with a duplicate of such photograph attached, shall be filed in the office of the United States collector of internal revenue of the district in which such Chinaman makes application.

Certificate of
residence to con-
tain photo-
graph—

Such photographs in duplicate shall be furnished by each applicant in such form as may be prescribed by the Secretary of the Treasury.

—which shall be
furnished in du-
plicate.

Approved, November 3, 1893.³

JOINT RESOLUTION OF JULY 7, 1898.

(30 Stat., p. 751.)

* * * There shall be no further immigration of Chinese into the Hawaiian Islands, except upon such conditions as are now or may hereafter be allowed by the laws of the United States; and no Chinese, by reason of anything herein contained, shall be allowed to enter the United States from the Hawaiian Islands.

Hawaiian Is-
lands—

—no Chinese to
enter United
States from.

ACT OF APRIL 30, 1900.

(31 Stat., pp. 141-161.)

AN ACT To provide a government for the Territory of Hawaii.

* * * * *

SEC. 4. That all persons who were citizens of the Republic of Hawaii on August twelfth, eighteen hundred

—citizenship in;

¹ *Domiciled merchants.*—For who are not, see footnote 1, page 22. For procedure concerning, see Rule 15. Do not need "Sec. 6" certificate: 144 U. S., 47. Absence for six years does not change status, interest in store in United States having continued: 52 Fed., 203. For admission of wives and children of, see Rule 9.

² Amended by Sundry Civil Appropriation Act of June 23, 1913, p. 32, *post*.

³ The Treaty of December 8, 1894 (28 Stat., p. 1210), was denounced by China in 1904 and expired under such denunciation in December of that year; hence its omission.

Hawaiian Is- and ninety-eight, are hereby declared to be citizens of the
lands— United States and citizens of the Territory of Hawaii.

* * * * *

—registration of SEC. 101. That Chinese in the Hawaiian Islands when
Chinese in; this act takes effect may within one year thereafter obtain
certificates of residence as required by "An Act to pro-
hibit the coming of Chinese persons into the United
States," approved May fifth, eighteen hundred and
ninety-two, as amended by an Act approved November
third, eighteen hundred and ninety-three, entitled "An
Act to amend an Act entitled 'An Act to prohibit the com-
ing of Chinese persons into the United States,' approved
May fifth, eighteen hundred and ninety-two," and until
the expiration of said year shall not be deemed to be
unlawfully in the United States if found therein without
such certificates: *Provided, however,* That no Chinese
laborer, whether he shall hold such certificate or not, shall
be allowed to enter any State, Territory, or District of
the United States from the Hawaiian Islands.

—no Chinese la-
borer to enter
mainland from.

* * * * *

Approved, April 30, 1900.

ACT OF JUNE 6, 1900.

(31 Stat., pp. 588-611.)

AN ACT Making appropriations for sundry civil expenses of the Gov-
ernment for the fiscal year ending June thirtieth, nineteen hundred
and one, and for other purposes.

* * * and hereafter the Commissioner General of

Commissioner
General of Immi-
gration to admin-
ister Chinese ex-
clusion laws.

Immigration, in addition to his other duties, shall have
charge of the administration of the Chinese exclusion law
and of the various acts regulating immigration into the
United States, its Territories, and the District of Colum-
bia, under the supervision and direction of the Secretary
of Labor.

* * * * *

Approved, June 6, 1900.

ACT OF MARCH 3, 1901.

(31 Stat., p. 1093.)

AN ACT Supplementary to an act entitled "An Act to prohibit the
coming of Chinese persons into the United States," approved May
fifth, eighteen hundred and ninety-two, and fixing the compensa-
tion of commissioners in such cases.

*Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,
That it shall be lawful for the district attorney of*

the district in which any Chinese person may be arrested for being found unlawfully within the United States, or having unlawfully entered the United States, to designate the United States commissioner within such district before whom such Chinese person shall be taken for a hearing.

United States attorneys to designate commissioner before whom Chinese shall be tried.

SEC. 2. That a United States commissioner shall be entitled to receive a fee of five dollars for hearing and deciding a case arising under the Chinese-exclusion laws.

United States commissioners' fees.

SEC. 3. That no warrant of arrest for violations of the Chinese-exclusion laws shall be issued by the United States commissioners excepting upon the sworn complaint of a United States district attorney, assistant United States district attorney, collector, deputy collector, or inspector of customs, immigration inspector, United States marshal, or deputy United States marshal, or Chinese inspector, unless the issuing of such warrant of arrest shall first be approved or requested in writing by the United States district attorney of the district in which issued.

Arrest and deportation—by whom complaint may be made.

SEC. 4. That this act shall take effect immediately.

Approved, March 3, 1901.

ACT OF APRIL 29, 1902, AS AMENDED AND REENACTED BY SECTION 5 OF THE DEFICIENCY ACT OF APRIL 27, 1904.¹

(32 Stat., part 1, p. 176; 33 Stat., pp. 394-428.)

AN ACT To prohibit the coming into and to regulate the residence within the United States, its Territories, and all territory under its jurisdiction, and the District of Columbia, of Chinese and persons of Chinese descent.

SECTION 1. All laws in force on the twenty-ninth day of April, nineteen hundred and two, regulating, suspending, or prohibiting the coming of Chinese persons or persons of Chinese descent into the United States, and the residence of such persons therein, including sections five, six, seven, eight, nine, ten, eleven, thirteen, and fourteen of the Act entitled "An Act to prohibit the coming of Chinese laborers into the United States," approved September thirteenth, eighteen hundred and eighty-eight, be, and the same are hereby, reenacted, extended, and continued, without modifica-

Laws reenacted without limitation.

Act of Sept. 13, 1888, reenacted.

¹ For explanation of effect of these acts, see 142 Fed., 128.

Insular possessions—laws apply to Chinese in; —transit permitted in.

tion, limitation, or condition; and said laws shall also apply to the island territory under the jurisdiction of the United States, and prohibit the immigration of Chinese laborers, not citizens of the United States, from such island territory to the mainland territory of the United States, whether in such island territory at the time of cession or not, and from one portion of the island territory of the United States to another portion of said island territory:¹ *Provided, however,* That said laws shall not apply to the transit of Chinese laborers from one island to another island of the same group; and any islands within the jurisdiction of any State or the district of Alaska shall be considered a part of the mainland under this section.

Regulations, Secretary of Labor to prescribe; —also to appoint agents.

SEC. 2. That the Secretary of Labor² is hereby authorized and empowered to make and prescribe, and from time to time to change, such rules and regulations not inconsistent with the laws of the land as he may deem necessary and proper to execute the provisions of this Act and of the Acts hereby extended and continued and of the treaty of December eighth, eighteen hundred and ninety-four, between the United States and China, and with the approval of the President to appoint such agents as he may deem necessary for the efficient execution of said treaty and said Acts.

Exhibitions, admission of aliens to take part in.

SEC. 3. That nothing in the provisions of this Act or any other Act shall be construed to prevent, hinder, or restrict any foreign exhibitor, representative, or citizen of any foreign nation, or the holder, who is a citizen of any foreign nation, of any concession or privilege from any fair or exposition authorized by Act of Congress from bringing into the United States, under contract, such mechanics, artisans, agents, or other employees, natives of their respective foreign countries, as they or any of them may deem necessary for the purpose of making preparation for installing or conducting their exhibits or of preparing for installing or conducting any business authorized or permitted under or by virtue of or pertaining to any concession or privilege which may have been

¹ See Rule 11.

² By the act of February 14, 1903, entitled "An act to establish the Department of Commerce and Labor" (32 Stat. p. 825), the Commissioner General of Immigration, the Bureau of Immigration, and the Immigration Service were transferred from the Treasury Department to the Department of Commerce and Labor, and by the act of March 4, 1913, to the Department of Labor.

or may be granted by any said fair or exposition in connection with such exposition, under such rules and regulations as the Secretary of Labor may prescribe, both as to the admission and return of such person or persons.

SEC. 4. That it shall be the duty of every Chinese laborer, other than a citizen, rightfully in, and entitled to remain in, any of the insular territory of the United States (Hawaii excepted) at the time of the passage of this act, to obtain within one year thereafter a certificate of residence in the insular territory wherein he resides, which certificate shall entitle him to residence therein, and upon failure to obtain such certificate as herein provided he shall be deported from such insular territory; and the Philippine Commission is authorized and required to make all regulations and provisions necessary for the enforcement of this section in the Philippine Islands, including the form and substance of the certificate of residence so that the same shall clearly and sufficiently identify the holder thereof and enable officials to prevent fraud in the transfer of the same: *Provided, however,* That if said Philippine Commission shall find that it is impossible to complete the registration herein provided for within one year from the passage of this act, said commission is hereby authorized and empowered to extend the time for such registration for a further period not exceeding one year.

Philippine Islands—

—registration of Chinese in.

Approved, April 29, 1902.

ACT OF FEBRUARY 20, 1907.¹

(34 Stat., part 1, pp. 898, 906.)

AN ACT To regulate the immigration of aliens into the United States.

* * * * *

SEC. 2.² That the following classes of aliens shall be excluded from admission into the United States: All ^{Excluded classes—}idiots, insane, feeble-minded persons, epileptics, insane etc.;

¹ As Chinese applying for admission are in all respects subject to examination under the immigration law, as well as under the exclusion laws (24 Op. Atty. Gen., 706; 161 Fed., 627; 163 Fed., 1021; 164 Fed., 506; 170 Fed., 566; 174 Fed., 674; 176 Fed., 933, 998; 183 Fed., 260; 223 U. S., 67), and may be deported on departmental warrant if they enter the country in violation of law (176 Fed., 933, 998; 223 U. S., 67; 202 Fed., 65, 914; 203 Fed., 25), there are inserted here the sections of the immigration act of 1907 that most frequently have to be referred to in Chinese cases.

² As amended by act approved Mar. 26, 1910.

Excluded persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge;¹ professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living;¹ persons who have been convicted of or admit having committed a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy; anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who are supported by or receive in whole or in part the proceeds of prostitution; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written, or printed, expressed or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign Government, either directly or indirectly; all children under sixteen years of age unaccompanied by one or both of their parents, at

¹ For provisions for landing under bond persons likely to become public charges and persons certified for physical defects, see Rule 17, Immigration Rules of Nov. 15, 1911.

the discretion of the Secretary of Labor or under such regulations as he may from time to time prescribe:¹ *Provided*, That nothing in this act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign Government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants.

Exceptions—

—offenses, political;

—transits;

—skilled labor;

—actors, artists, etc.

* * * * *

SEC. 8. That any person, including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in.²

Unlawful landing—

—penalty for;

* * * * *

SEC. 18. That it shall be the duty of the owners, officers, or agents of any vessel or transportation line, other than those railway lines which may enter into a contract as provided in section thirty-two of this act, bringing an alien to the United States to prevent the landing of such alien in the United States at any time or place other than as designated by the immigration officers, and the negli-

—exception under sec. 32;

¹ See Rule 6, Immigration Rules of Nov. 15, 1911.

² For provisions for landing under bond persons likely to become public charges and persons certified for physical defects, see Rule 17, Immigration Rule of Nov. 15, 1911.

gent failure of any such owner, officer, or agent to comply with the foregoing requirements shall be deemed a misdemeanor and be punished by a fine in each case of not less than one hundred nor more than one thousand dollars or by imprisonment for a term not exceeding one year, or by both such fine and imprisonment; ¹ and every such alien so landed shall be deemed to be unlawfully in the United States and shall be deported as provided in sections twenty and twenty-one of this act.²

* * * * *

SEC. 20. That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: ² *Provided*, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States.³

SEC. 21. That in case the Secretary of Labor shall be satisfied that an alien has been found in the United States in violation of this act, or that an alien is subject to deportation under the provisions of this act or of any

¹ For method of reporting to collectors of customs cases in which request has been made for the institution of prosecutions which may result in the collection of fines or penalties, see Department of Commerce and Labor Circular No. 75 of May 10, 1905.

² See Rule 22, Immigration Rules of Nov. 15, 1911.

³ See subdivision 5, Rule 22, Immigration Rules of Nov. 15, 1911.

law of the United States,¹ he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this act,² and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this act shall be punished by the imposition of the penalties prescribed in section nineteen of this act:³ *Provided*, That when in the opinion of the Secretary of Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner.⁴

Deportation—
—penalty against
vessels for refusal
to deport on war-
rant;

—attendants for
deported persons;

* * * * *

SEC. 25. * * * *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Labor. * * *

—excluding de-
cision by admin-
istrative officers
final.

* * * * *

SEC. 35. That the deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this act, shall be to the

—to be to trans-
oceanic ports;

¹ When the act of 1907 was passed, all prior acts and parts of acts, including the acts of 1903, were repealed (see section 43 thereof), and the only other "law of the United States" left in existence under which an alien could be deported was the exclusion laws. Therefore, Chinese aliens found in the United States in violation of the exclusion laws are subject to deportation under this section. Indeed, as section 35, *post*, "requires deportation to the trans-Pacific ports from which such aliens embarked for the United States, it is rather hard to say that" this section (21) "has not the Chinese specially in mind" (223 U. S., 67, 70).

² See rule 22, Immigration Rules of Nov. 15, 1911.

³ For method of reporting to collectors of customs cases in which request has been made for the institution of prosecutions which may result in the collection of fines or penalties, see Department of Commerce and Labor Circular No. 75 of May 10, 1905.

⁴ For procedure for providing attendant, see Rule 23, Immigration Rules of Nov. 15, 1911.

Deportation— trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory.

—of aliens entering unlawfully.

Portsofentry to be designated on land borders.

SEC. 36. That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections twenty and twenty-one of this act: ¹ *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this act upon the Commissioner General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico.

* * * * *

Approved, February 20, 1907.

ACT OF AUGUST 24, 1912.

(37 Stat., 417, 476.)

Charges for maintenance and return of Chinese applicants.

* * * *Provided*, That all charges for maintenance or return of Chinese persons applying for admission to the United States shall hereafter be paid or reimbursed to the United States by the person, company, partnership, or corporation bringing such Chinese to a port of the United States as applicants for admission.

* * * * *

Approved, August 24, 1912.

ACT OF JUNE 23, 1913.

(38 Stat., —.)

Method of executing writs of deportation

* * * *Provided*, That from and after July first, nineteen hundred and thirteen, all Chinese persons ordered deported under judicial writs shall be delivered by the marshal of the district or his deputy into the custody of any officer designated for that purpose by the Secretary of Labor, for conveyance to the frontier or seaboard

¹ See Rule 22, Immigration Rules of Nov. 15, 1911.

for deportation in the same manner as aliens deported under the immigration laws.

Approved, June 23, 1913.

ACT APPROVED OCTOBER 22, 1913.

AN ACT Making appropriations to supply urgent deficiencies in appropriations for the fiscal year nineteen hundred and thirteen, and for other purposes.

* * * * *

Whenever aliens arriving at any port of the United States are temporarily removed from a vessel in accordance with the provisions of section sixteen of the immigration act approved February twentieth, nineteen hundred and seven, the transportation lines which brought them and the masters, owners, agents, and consignees of the vessel on which they arrive shall pay all expenses of such removal and all expenses arising during subsequent detention pending decision of the eligibility of such aliens to enter the United States and until they are either allowed to land or returned to the care of the line or to the vessel which brought them, and such expenses shall include those of maintenance, medical treatment in hospital or elsewhere, burial in the event of death, and charges for transfer to the vessel in the event of deportation, excepting only where such expenses arise under the terms of any of the provisos of section nineteen of the said immigration act; and aliens shall not be temporarily removed from any vessel unless the master, owner, agent, or consignee thereof shall guarantee in a manner prescribed by and to the satisfaction of the Secretary of Labor that said expenses will be paid.

Expenses of detention—
— transportation companies to pay.

Approved, October 22, 1913.

EXECUTIVE ORDER OF THE GOVERNOR OF THE PHILIPPINE ISLANDS.

GOVERNMENT OF THE PHILIPPINE ISLANDS,

EXECUTIVE BUREAU,

Manila, P. I., September 23, 1904.

EXECUTIVE ORDER }
No. 38.

Philippine Is-
lands—
—executive order
of governor of;

Whereas the Department of Commerce and Labor of the United States has, under date of July twenty-seventh, nineteen hundred and three, issued a certain rule to regulate the admission of Chinese persons from the Philippine Islands into the mainland territory of the United States and into the insular possessions of the United States other than the Philippine Islands, which said rule is as follows:

[Since the issuance of this order the rule mentioned has been amended; reference should therefore be had to Rule 11, p. 47.]

* * * * *

And whereas it is the desire of the government of the Philippine Islands to afford to such eligible Chinese persons, residents of these islands, as desire to depart out of the same for other parts or possessions of the United States, the privilege so to do and to give evidence of such permission and of the status of each person so permitted in the manner now required by law in the case of Chinese persons departing out of a foreign country as nearly as may be: Now, therefore,

—regulations
governing depart-
ure from and ad-
mission to of Chi-
nese of exempt
classes.

* * * The collector of customs for the Philippine Islands is hereby designated to grant such permission in the name of the government of the Philippine Islands to all such Chinese persons as shall have duly established to his satisfaction their eligibility under the law to enter the mainland territory of the United States or any other of its insular possessions.

This permission, and the prima facie establishment of the facts showing eligibility, shall be evidenced by a certificate signed and approved by him in analogy to the certificate required by section six of the act of Congress of

July fifth, eighteen hundred and eighty-four, and referred to in the rule above cited.

It is further ordered that in the case of Chinese persons coming from the other insular possessions of the United States to the Philippine Islands, bearing certificates issued in pursuance of the rule above mentioned, they shall be accorded at the ports of the Philippine Islands the same rights of entry as they would have did they come possessed of similar certificates issued by a foreign Government.

LUKE E. WRIGHT,
Civil Governor.

RULES GOVERNING THE ADMISSION OF CHINESE.¹

The following rules, issued in pursuance of the foregoing treaty and laws governing the admission of Chinese, are hereby promulgated for the guidance of immigration officials and others concerned. These rules supersede all previously issued rules and regulations, also all circulars of instructions regarding the enforcement of the Chinese exclusion laws inconsistent herewith:

Ports of entry— RULE 1. No Chinese person, other than a Chinese diplomatic or consular officer and attendants, shall be permitted to enter the United States elsewhere than at the ports of San Francisco, Cal.; Portland, Oreg.; Boston, Mass.; New York, N. Y.; New Orleans, La.; Port Townsend and Seattle, Wash.; Honolulu, Hawaii; San Juan and Ponce, P. R.; San Diego, Cal.; and Tampa, Fla.:² *Provided, however,* That Chinese seeking admission or readmission to the United States from the Orient through Canada shall be examined under both the immigration and Chinese-exclusion laws at Vancouver, B. C., those there found admissible to be furnished with a certificate of identity, on which they shall be permitted to cross the Canadian boundary, on identification, at Sumas, Wash.; Portal, N. Dak.; Noyes, Minn.; Detroit, Mich.; Buffalo, N. Y.; Malone, N. Y.; Richford, Vt.; Lowelltown, Me; or Vanceboro, Me.; and Chinese seeking admission, or readmission without having been preinvestigated, *from Canada* shall be permitted to apply for examination to the United States immigration officials at Vancouver, B. C.; Winnipeg, Manitoba; or Montreal, Quebec, those there found

—general;

—Canadian;

—Canadian border;

—entry through from Canada;

¹ For laws and rules applying to the cases of aliens in general (including Chinese), see the pamphlet entitled "Immigration Laws, Rules of Nov. 15, 1911."

For rules regarding the collection of statistics concerning aliens in general and Chinese, see same pamphlet, seventh edition.

These rules are not enforced in the Philippine Islands by officers of the Department of Labor, the act of Feb. 6, 1905 (33 Stat., pp. 689-692), prescribing that the United States immigration laws shall be administered in said islands by the officers of the general government thereof.

² Sec. 7, act of Sept. 13, 1888.

admissible to be furnished with a certificate of identity and permitted to cross the Canadian boundary on identification at the boundary ports above mentioned, or at Island Pond, Vt., St. Albans, Vt., Rouses Point, N. Y., Suspension Bridge, N. Y., and Port Huron, Mich.; and Chinese seeking readmission from Canada and holding a return certificate issued after preinvestigation in accordance with Rule 13, 15, or 16, shall be permitted to reenter through any one of the said border ports upon identification at Vancouver, B. C.; Winnipeg, Manitoba; or Montreal, Quebec, as the rightful holder of the return certificate, and the surrendering of such certificate.

Ports of entry—

—re-entry through from Canada.

RULE 2. Only those Chinese persons who are expressly declared by the treaty and laws relating to the exclusion of Chinese to be admissible shall be allowed to enter the United States, and those only upon compliance with the requirements of said treaty and laws and of rules issued thereunder.¹ The admissible classes, therefore, are teachers; students; travelers for curiosity or pleasure; and merchants,² and their lawful wives and minor children,³ officials of the Chinese Government, together with their body and household servants; Chinese persons holding the return certificate prescribed by Rules 13, 15, and 16; those seeking in good faith to pass through the country to foreign territory, as provided in Rules 17 and 18; persons whose physical condition necessitates immediate hospital treatment;⁴ Chinese persons shown to have been born in the United States,⁵ and the wives⁶ and children⁷ of such Chinese American citizens; and seamen as provided in Rule 7.

Admissible classes—
—only those specially exempted admissible;

—list of.

¹ 22 Op. Atty. Gen., 130, 132, 133; 57 Fed., 591; 116 Fed., 614.

² Sec. 6, act July 5, 1884, and Art. II of Treaty; but department has held that bankers are to be regarded as "merchants," and editors as "teachers." For definition of "merchant," see act of 1893 and footnotes; for definition of "student," Rule 8.

³ 176 U. S., 459. But relatives other than wives and minor children of exempts are not admissible, 4 Treasury Decisions, 315; and widows and their minor children are not admissible, Dept. C. & L. Decs. Nos. 23 and 35.

⁴ See Immigration Rule 19.

⁵ 169 U. S., 649, but convincing evidence should be required—140 U. S., 417.

⁶ Are admitted, not as citizens, but as the wives of citizens—170 Fed., 566; 225 U. S., 460.

⁷ Sec. 1993 R. S., and sec. 6, act of Mar. 2, 1907 (34 Stat., 1228).

Examination of
Chinese appli-
cants for admis-
sion—

—under immigra-
tion law first,
then Chinese;

—to be conducted
only at ports of
entry;

—to be conducted
promptly;

—sailors in for-
eign navies ex-
empt from;

—to be separate
and apart from
the public;

—witnesses to be
heard.

Appeal—

—rejected appli-
cants to be noti-
fied of right to;

RULE 3.¹ Chinese aliens shall be examined as to their right to admission to the United States under the provisions of the law regulating immigration as well as under the laws relating to the exclusion of Chinese.² As the immigration act relates to aliens in general, the status of Chinese applying for admission must *first* be determined in accordance with the terms of that law and of the rules drawn in pursuance thereof; then, if found admissible under such law and rules, their status under the Chinese-exclusion laws and rules shall be determined. In order to avoid inconvenience, delay, or annoyance to Chinese applicants arising through misunderstanding, and in the interest of good administration, examination under both sets of laws and rules shall be made, in the order stated, only at the ports named and in the manner specified in Rule 1 hereof.

RULE 4. (a) Upon the arrival of Chinese persons at any inspection port mentioned in Rule 1, they shall be examined touching their right to admission, and those proving such right shall be promptly landed:³ *Provided*, That nothing contained in these rules shall be construed to authorize the boarding of vessels of foreign navies arriving at ports of the United States for the purpose of enforcing the provisions of the Chinese-exclusion laws.

(b) The said examination shall be separate and apart from the public, in the presence of Government officials and such other persons only as the officer in charge shall permit. All witnesses appearing on behalf of any applicant shall be fully heard.⁴

RULE 5. (a) If upon the conclusion of the hearing the Chinese applicant is adjudged to be inadmissible, he shall be advised of his right to appeal to the Secretary of Labor by a notice in the Chinese language. If the rejected applicant elects to appeal, written notice thereof

¹ For instructions regarding spelling of Chinese names see Bureau Circular No. 12, dated Feb. 16, 1905.

² 24 Op. Atty. Gen., 706; 161 Fed., 627, and 163 Fed., 1021; 164 Fed., 506; 170 Fed., 566; 174 Fed., 674; 176 Fed., 933 and 998; 183 Fed., 260; 223 U. S., 67.

³ Burden of proof is upon applicant to show admissibility—125 Fed., 641; 185 Fed., 838. See also footnote to sec. 3, act of 1892.

As to responsibility of transportation companies for Chinese aliens temporarily landed, see extract from sundry civil act of Aug. 24, 1912, p. 32, *ante*; for regulations regarding hospital treatment, Immigration Rule 19.

⁴ 194 U. S., 161, 170; 198 U. S., 253, 263; 208 U. S., 8, 13; 190 Fed., 897.

must be served on the officer in charge within five days, ^{Appeal—}exclusive of Sundays and legal holidays, after rejection. ^{five days allowed for filing notice of;}

(b) Applicant's counsel shall be permitted, after ^{counsel to be} notice of appeal has been duly filed, to examine the ^{loaned copy of} record upon which the excluding decision is based, and may be loaned a copy of the transcript of testimony contained therein. If there is a consular officer of ^{Chinese consul to be advised concerning;} China at the port where examination is held, he also shall be notified in writing that the said Chinese applicant has been refused a landing, and shall be permitted to examine the record. The word "record" as used in this paragraph shall not be construed to include memoranda of comment or letters of transmittal unless they contain evidence additional to that in the record proper.

(c) The notice of appeal shall act as a stay upon the disposal of the applicant until a final decision is rendered by the Secretary of Labor; and, within ten days after the excluding decision is rendered, unless further delay is required to investigate and report upon new evidence, the complete record of the case, together with such briefs, affidavits, and statements as are to be considered in connection therewith, shall be forwarded to the Secretary of Labor by the officer in charge at the port of arrival, accompanied by his views thereon in writing. If, on ^{record, etc., of to be forwarded within 10 days;} appeal, evidence in addition to that brought out at the hearing is submitted, it shall be made the subject of ^{additional evidence furnished on, to be investigated;} prompt investigation by the officer in charge and be accompanied by his report.¹

(d) Additional time for the preparation of cases will ^{additional time for perfecting.} be allowed only when, in the judgment of the officer in charge, a literal compliance herewith would occasion injustice to the appellant or the risk of defeat of the purposes of the law. The reasons for the extension of time shall in every instance be stated in writing and forwarded with the appeal.²

¹ Compliance with this procedure is "due process of law," and the decision of the immigration officer, unless reversed on appeal to the Secretary of Labor, is final—158 U. S., 538; 189 U. S., 86; 194 U. S., 161; 198 U. S., 253; 208 U. S., 8; 223 U. S., 673; 157 Fed., 447; 161 Fed., 592; 168 Fed., 479 and 488.

Administrative officers are sole judges of sufficiency and weight of evidence submitted to them—186 U. S., 168, 176. (See also 223 U. S., 673.) Decisions by such officers not *res judicata*—180 U. S., 486; 202 U. S., 281; 85 Fed., 422; 97 Fed., 576; 196 Fed., 736.

² For manner of insuring payment of expenses incident to additional delays, see Rule 27 of Immigration Rules.

Reopening de-
cided cases—

(e) Applications for reopening decided cases must be submitted to the officer in charge at the port of detention; and the reopening of such cases will not be authorized by the bureau or department (unless for quite extraordinary reasons) except upon recommendation of such officer.

— method of;

Whenever, either before or after receipt of a decision from the Washington authorities affirming an excluding decision, an officer in charge learns of new evidence of such relevancy and materiality as in his opinion to require that, in justice to the applicant, it be considered, he may stay deportation and request the bureau's permission to reopen the case, at the same time briefly stating the general nature of the new evidence. When necessary to telegraph, the telegram shall be in substantially the following form:

For the purpose of receiving new material evidence, recommend reopening case of ———. [Very briefly indicate character of new evidence.]

— telegraphic
code for;

The words "For the purpose of receiving new material evidence, recommend reopening case of" shall be represented by the code word "Renvoy."

— effect of.

Whenever a case is referred back to an officer in charge by the Washington authorities in order that additional evidence may be taken, such case is thereby reopened, and after the new evidence has been taken said officer shall render a new decision, in which he may in his discretion reaffirm, alter, or reverse the previous decision.

Bonds—tempo-
rary landing un-
der;

(f) When it appears from an appeal record before the department that the applicant has almost, but not quite, established his right to enter, and that delaying final decision and temporarily landing such applicant may result within a reasonable time in the production of evidence sufficient to justify permanent landing, the acceptance of bond,¹ in the penalty of not less than two thousand dollars, will be authorized, such bond to be conditioned that the temporarily landed alien shall appear when required for any hearing or hearings touching his right to admission and shall deliver himself or be produced for return to the country whence he came, if and when found not entitled to enter and remain in the United States. Such bond shall be executed in strict conformity with the requirements prescribed in the form ¹ provided by the Bureau of Immigration, and the sureties thereon shall be

— circumstances
under which ac-
cepted;

— conditions of;

— execution of;

approved as good and sufficient by the officer in charge <sup>Bonds—
— approval of
sureties on;</sup> at the port of application.

Any person so allowed to proceed shall not be con- <sup>— effect of ac-
cepting.</sup> sidered as having entered the United States unless and until it is finally decided by the Secretary of Labor that he is lawfully entitled to admission, and such decision is duly entered of record; and if it shall finally be decided that such person is not entitled to admission he shall be deemed to be subject to exclusion by executive action as if he had been stopped at the boundary of the country pending the determination of his right to enter,¹ except that the transportation agency by which he was brought to this country shall be responsible only for the return of such person to the country whence he came, and not also for his maintenance and safe custody for the period during which he is permitted to go at large in accordance with the provisions hereof.

RULE 6. (a) Every Chinese person refused admission <sup>Deportation of
rejected appli-
cants to country
whence they
came.</sup> to the United States, being actually or constructively on the vessel or other conveyance by which he was brought to a port of entry, must be returned to the country whence he came, at the expense of the transportation agency owning such vessel or conveyance.

(b) The master, agent, or owner of any vessel or other means of transportation by which Chinese persons are <sup>Steamships to
give notice of
sailings.</sup> brought to any port of entry shall, at least twenty-four hours before the intended time of departure of the vessel or other vehicle, notify the officer in charge at said port of such sailing or departure, in order that the said officer may place on board every Chinese person whose application for permission to land has been finally denied.

RULE 7. Chinese employed on board vessels shall not <sup>Chinese sea-
men—</sup> be regarded as in any sense members of the exempt classes,² but shall be considered and treated as laborers.³ Masters of vessels that enter ports of the United States with Chinese employed thereon shall not land, attempt to land, or permit to be landed any such Chinese employees, ^{—are laborers;} otherwise than in accordance with the terms of the laws and regulations regarding Chinese laborers:⁴ *Provided,*

¹ 198 U. S., 263; 161 Fed., 627; 163 Fed., 1021.

² Art. II, Treaty of 1880 (p. 4, *ante*); sec. 6, act of 1882-1884 (p. 8, *ante*); 185 Fed., 907.

³ Sec. 2, act of 1882-1884 (p. 7, *ante*); sec. 9, act of 1888 (p. 15, *ante*); 185 Fed., 907.

⁴ Sec. 7, act of 1888 (p. 14, *ante*), and Rule 13 (p. 49, *post*).

Chinese sea-
men—
—bonds required
if discharged or
granted shore
leave.

however, That such Chinese employees may be discharged or granted shore leave in ports of the United States, if the owner, master, or officer in charge of the vessel first properly executes and files with the immigration officer in charge at such port a bond with approved security in the penalty of \$500 for each such Chinese conditioned for departure from and out of the United States within thirty days,¹ a complete personal description and a photograph of the Chinese referred to therein to be attached to said bond. If any master of a vessel entering a United States port with Chinese employed thereon lands, attempts to land, or permits to be landed otherwise than in conformity with this rule any such Chinese employee, the matter shall be referred to the local United States attorney for prosecution of the master under section 2 of the act of 1882-4, or section 9, act of 1888, or both.²

Student—
—definition of;

RULE 8. (a) A student within the meaning of the treaty and laws of the United States relating to the admission and exclusion of Chinese is a person who pursues some regular course of study, including the higher branches of learning, but not excluding the elementary or preparatory branches, if undertaken in good faith; and for whose maintenance and support as a student in the United States adequate financial provision has been made or satisfactorily assured, and who, upon the conclusion of his studies, departs from the United States, unless then found to be qualified to remain as provided in paragraph (d) hereof.³

—examination re
schooling arrange-
ments for;

(b) In determining whether an applicant for a "section 6" certificate as a student is entitled to receive same, care shall be exercised by consular officers to ascertain that proper arrangements have been perfected for applicant's schooling, that some particular school or college has been

¹ 101 Fed., 989; 183 Fed., 33; 185 Fed., 907.

² A rule, similar to the above, requiring that bond should be furnished as a condition precedent to the landing of Chinese laborers employed as seamen has been in force for many years (see Treasury Decision of Mar. 7, 1890—Syn. 9900—Synopsis of Decisions, 1890). Said rule was approved by Congress in the act of 1902-4 (p. 25, *ante*), and authority given to continue it or to amend or extend it as occasion might arise (see p. 12, pt. 2, H. R. Rept. 1231, 57th Cong., 1st sess., and pp. 3662, 3801, 3802, 4240, 4245 (in particular), 4307, 4419, 4424, 4689, 4761, 4792, vol. 35, Congressional Record).

³ A stricter definition than this has been cited with approval in a decision of a district court, not published, but of record in the Bureau of Immigration (*U. S. v. Pun Fu*, No. 52730-85).

selected, or that he is going to some responsible person who will select a proper school for him, and that adequate financial provision has been made for maintenance and tuition. Consular officers will advise officers in charge of the result of the investigation regarding these points. Immigration officers shall cooperate fully and promptly with consular officers whenever requested to conduct an investigation in the United States with respect to the character of a school or upon any other point.

Student—

—examination re
schooling arrange-
ments for;

(c) If circumstances indicate that any element of commercialism or promotion of immigration is involved in the case, officers in charge shall require such applicant to furnish bond, the penalty of which shall not be less than \$2,000, conditioned that if admitted temporarily the sureties will cause him to attend a stated college or school until qualified to enter a higher institution of learning, and thereupon cause him to enter such higher institution, and will, during the entire period of his attendance upon school or college within the United States, cause to be submitted quarterly to the immigration officer in charge at the port of entry a report showing his attendance at school or college, such report to be approved by the principal, president, or dean of the institution attended, and will cause him either to leave the United States at the conclusion of his studies, or, if he remains, to engage in some other pursuit exempt under the Chinese-exclusion laws in the manner provided by paragraph (d) hereof, and will, if and whenever so required by the Secretary of Labor, cause him to appear for hearing or hearings touching his right to admission, and in case he is found by said Secretary not to be entitled to enter or remain in the United States, will cause him to be delivered over to an officer designated by said Secretary for return to the country whence he came.

—temporary ad-
mission of, under
bond;

(d) No applicant admitted as a student shall be permitted to follow in the United States any other occupation than that of studying unless and until he shall have made application to the immigration officer in charge of the district of his residence ¹ for the privilege of changing from that to some other exempt occupation and been granted such privilege. From an adverse decision by an immigration official in charge on such an application, appeal shall be allowed to the Commissioner General of Immigration.

—change of occu-
pation by;

¹ See Rule 26 for list of officers.

Student—
—advices to inter-
rior officers con-
cerning;

—action by inter-
rior officers re-
garding.

Wives and chil-
dren of exempts—
—admission of;

—evidence re-
quired in cases of.

Wives and chil-
dren of natives—
—admission of;

—evidence re-
quired in cases of.

Wives and chil-
dren of exempts
and natives—
—preinvestiga-
tion of husband
or father of.

(e) Officers in charge at ports of entry shall in each instance in which a student is admitted advise the officer in charge of the district in which is located the school to which the admitted applicant claims to be going; and the latter shall ascertain whether the avowed purpose of the student is carried out, and, if so, shall make arrangements with the head of the school under which such officer in charge will be promptly advised if the student leaves the school or completes his course therein.

RULE 9. (a) The lawful wife and minor children of a Chinese of the exempt classes may be admitted to the United States without presenting the certificate prescribed by section 6 of the act approved July 5, 1884,¹ the certificate of the husband or father being sufficient if the wife or children accompany him. If the husband or father is domiciled in the United States, immigration officers shall require in the cases of such wives and minor children evidence concerning the husband or father of the character specified by section 2 of the act approved November 3, 1893, to establish the right of a domiciled Chinese merchant to readmission after temporary absence from the United States.² In every instance there shall be exacted convincing evidence of the existence of the relationship claimed,³ and in the cases of children, of minority.

(b) The lawful wife of an American citizen of the Chinese race may be admitted for the purpose of joining her husband,⁴ and the lawful children of such a citizen partake of his citizenship and are therefore entitled to admission.⁵ In every such case convincing evidence of citizenship and relationship shall be exacted.

(c) In the cases described in the two preceding paragraphs, the exempt status or citizenship of the alleged husband or father may be investigated and determined prior to the arrival of the wife or child, but no investiga-

¹ 176 U. S., 459.

² As to character of proofs of mercantile status, see Rule 15, par. (j).

³ "A marriage solemnized in China, according to the laws and customs thereof, but while the bridegroom is in America, is not valid in America," 59 Fed., 682. See also Department of Commerce and Labor Dec. No. 11.

⁴ 170 Fed., 566; 179 Fed., 110; 225 U. S., 460.

⁵ Sec. 1993, R. S., and sec. 6, act of Mar. 2, 1907 (34 Stat., 1228). But citizenship can not be conferred upon children by adopting them. (3 Moore's International Law Digest, 384.)

tion regarding the claimed relationship shall be made until the wife or child arrives at the port of entry.

RULE 10. The officers whose titles are given below have been authorized by their respective Governments to issue certificates—^{"Sec. 6,"}certificates—^{—officers} designated to issue; to Chinese subjects or citizens of such Governments the certificates prescribed by section 6 of the act approved July 5, 1884.¹

Brazil: Chiefs of police, or corresponding officers in the municipalities and civil subdivisions.

Burma, India: Chief Secretary to the Government of Burma.

Canada:

Ottawa—Chief Controller of Chinese Immigration, or Assistant Controller of Chinese Immigration.

Vancouver—Controller of Chinese Immigration.

Victoria—Controller of Chinese Immigration.

Winnipeg—Controller of Chinese Immigration.

China:

In Chinese Republic—

Tientsin—Special commissioner of foreign affairs whose duties are performed by the Tientsin superintendent of customs.

Mukden—Special commissioner of foreign affairs.

Chefoo—Commissioner of foreign affairs, whose duties are performed by the intendant of circuit for Chiaotung.

Shanghai—Special commissioner of foreign affairs.

Hankow—Special commissioner of foreign affairs.

Foochow—Special commissioner of foreign affairs.

Amoy—Commissioner of foreign affairs, whose duties are performed by the Amoy superintendent of customs.

Chungking—Commissioner of foreign affairs, whose duties are performed by the Chungking superintendent of customs.

Canton—Civil governor.

Swatow—Commissioner of foreign affairs.

¹ See footnotes to sec. 6, act of July 5, 1884.

China—Continued.

"Sec. 6," certifi-
cates—
—officers desig-
nated to issue;

In countries foreign to China—

Australia—Chinese consul general, Melbourne.

Austria-Hungary—Chinese minister or chargé d'affaires, Vienna.

Belgium—Chinese minister or chargé d'affaires, Brussels.

Canada—Chinese consul general, Ottawa, and Chinese consul, Vancouver.

Cuba—Chinese minister or chargé d'affaires, Habana.

England—Chinese minister or chargé d'affaires, London.

France—Chinese minister or chargé d'affaires, Paris.

Germany—Chinese minister or chargé d'affaires, Berlin.

Hawaii—Chinese consul, Honolulu.

India—Chinese consul, Rangoon, Burma.

Italy—Chinese minister or chargé d'affaires, Rome.

Japan—Chinese minister or chargé d'affaires, Tokyo; Chinese consul general, Yokohama.

Korea—Chinese consul general, Seoul.

Mexico—Chinese minister or chargé d'affaires, Mexico City.

Netherlands—Chinese minister or chargé d'affaires, The Hague.

Peru—Chinese minister or chargé d'affaires, Lima.

Philippine Islands—Chinese consul general, Manila.

Portugal—Chinese minister or chargé d'affaires, Lisbon.

Russia—Chinese minister or chargé d'affaires, St. Petersburg.

Siberia—Chinese commercial agent, Vladivostok.

Spain—Chinese minister or chargé d'affaires, Madrid.

Straits Settlements—Chinese consul general, Singapore.

Transvaal—Chinese consul general, Johannesburg.

Cuba: Chief of immigration department.

Dutch Guiana. (See Surinam.)

Dutch East Indies: Directeur van Justitie, Batavia.

German protectorate of Kiautschou: Commissioner for Chinese affairs to the Government, civil commissioner, or Obergerichter. "Sec. 6," certificates—officers designated to issue.

Guatemala: Minister of foreign affairs or subsecretary of state.

Hongkong: Registrar general.

India: Chief secretary to the government of Burma.

Jamaica: Deputy inspector general of police.

Japan:

Governor of any fu (district) or ken (prefecture).

Hokkaido—Governor general.

Formosa—Chief of prefecture having jurisdiction.

Macau, Portuguese province of: Secretary general.

Mexico: Department for foreign affairs.

Philippine Islands: Collector of customs.

Society Islands: Commissioner of police of the municipality of Papeete, Tahiti.

Straits Settlements: Colonial secretary.

Federated Malay States—Colonial secretary, federal secretary, or secretary for Chinese affairs.

Surinam (Dutch Guiana): Government's secretary, or secretary ad interim at Paramaribo.

Trinidad: Governor.

Venezuela: Mayors of cities or governors of provinces.

RULE 11. (a) Chinese persons of the exempt classes who are citizens of other insular territory of the United States than the Territory of Hawaii shall, if they desire to go from such insular territory to the mainland or from one insular territory to another, comply with the terms of section 6 of the act approved July 5, 1884. Insular territory—application of laws to Chinese of exempt classes residing in;

The certificate prescribed by said section shall be granted by officers designated for that purpose by the chief executives of said insular territories, and the duties thereby imposed upon United States diplomatic and consular officers in foreign countries in relation to Chinese persons of the said classes shall be discharged by the officers in charge of the enforcement of the Chinese-exclusion acts at the ports, respectively, from which any members of such excepted classes intend to depart from any insular territory of the United States:¹ *Provided, however,* That the privilege of transit shall be extended to all persons other than laborers, as provided in Rule 18. granting "Sec. 6," certificates in.

(b) As *all persons* who were citizens of the Republic of Hawaii on August 12, 1898, are citizens of the United Hawaii—admission of citizens of;

¹ Sec. 1, act of 1902-1904.

Hawaii—

States,¹ persons of the Chinese race claiming such status may be admitted at either mainland or insular ports of entry upon producing evidence sufficient to establish such claim. Citizens of the Chinese Republic of the exempt classes residing in Hawaii must obtain certificates from the representative of their own Government (the Chinese consul, Honolulu), and such certificates must be viséed by the inspector in charge of the immigration service in said islands instead of by a diplomatic or consular officer.

—issuance of
“Sec. 6” certi-
ficates in.

Philippines—
—issuance of
“Sec. 6” certi-
ficates in;

—acceptance of
“Sec. 6” certi-
ficates issued in.

(c) The governor of the Philippine Islands having, by executive order No. 38, of September 23, 1904, designated the collector of customs, Manila, to *issue* to Chinese citizens of those islands the certificate provided by section 6 of the act of July 5, 1884, and it being impracticable to require that such certificates shall be viséed, officers at ports of entry for Chinese will regard certificates issued to such Philippine citizens in the same manner as certificates issued by officials of foreign countries and viséed by American diplomatic or consular officers. Certificates issued by the Chinese consul general, Manila, to *citizens of the Chinese Republic* residing in the Philippines will be viséed by the collector of customs at Manila, and when so viséed will be accorded the usual consideration.

Laborer's re-
turn certificates—

—to whom is-
sued;

RULE 12. (a) The laborer's return certificate, provided by section 7 of the act of September 13, 1888, shall be issued only to such Chinese persons as have been duly registered under the provisions of the act of May 5, 1892, or the act of November 3, 1893, and present a certificate issued thereunder, or such as have established before a court of competent jurisdiction the lawfulness of their residence in the United States and present a certified copy of the court's decision, or such as otherwise establish before the immigration official to whom application for the return certificate is made that they are lawfully within the United States.²

—evidence on
which to be is-
sued;

(b) Chinese laborers applying for such certificate shall be required to furnish the testimony of not less than two credible witnesses, who have had opportunity to know the circumstances to which they testify, that one of the grounds specified by the section of law above mentioned actually exists.

¹ Sec. 4, act of Apr. 30, 1900; 23 Op. Atty. Gen., 345 and 509.

² 193 U. S., 517; 71 Fed., 680; 115 Fed., 412; 128 Fed., 319 and 522; 139 Fed., 56; 148 Fed., 926.

RULE 13. (a) Any Chinese laborer claiming the right to leave and return to the United States in accordance with sections 5 to 7 of the act of September 13, 1888,¹ shall make written application to the immigration officer located nearest to his place of residence for pre-investigation of his claim, such application to be prepared in triplicate on Form No. 432, furnished by said immigration officer, and to be filed at least thirty days prior to the date of proposed departure.

Laborer's re-
turn certificate,
application for—

—to be filed 30
days before de-
parture;

(b) Such applicant shall deposit with said officer a certificate of registration,² or a certified copy of a decision of a court of competent jurisdiction showing that he is lawfully resident in the United States,³ or shall submit to such officer parole evidence showing that he was lawfully admitted to and has maintained a lawful status while resident within the United States, and such applicant shall make on oath before the officer in writing a full statement descriptive of his family or property or debts,⁴ as the case may be, and giving his name, height, local residence, occupation and distinguishing marks, if any, and naming the port at which he expects to depart from the United States, which shall be one of those designated in Rule 1.

—documentary
or parole evi-
dence required in;

(c) To each of the three copies of said application there shall be attached a photograph of the applicant printed from the same negative.

—photo to be at-
tached to;

(d) The officer to whom such application is submitted shall make a thorough examination as to the accuracy of the descriptive statement, whether the accompanying photograph is that of the person described in the certificate or certified copy of court record and statement, and whether applicant's height and descriptive physical marks are accurately given, and (unless similar action has been taken at so recent a date as to give assurance of the genuineness of the papers) shall transmit the certificate

—investigation of
allegations made
in;

¹ If a laborer leaves without the return certificate, he can not lawfully reenter; and if he reenters, he is subject to deportation—120 Fed., 899; 21 Op. Atty. Gen., 424; 23 Op. Atty. Gen., 619.

² Registration certificate under either the act of 1892 or the act of 1893 is sufficient—110 Fed., 154.

³ In this connection see Bureau circular letter of Jan. 8, 1914, No. 53560-225.

⁴ An open book account is a "debt pending settlement," 24 Op. Atty. Gen., 637. The Department has held in several cases that money deposited in bank to there remain until laborer's return is "property."

—Laborer's re- of residence to the Commissioner General of Immigra-
turn certificate, tion for comparison with the record thereof in his office,
application for — in respect not only to name and date therein, but in
all other particulars, or the certified copy of court record
to the clerk of the court by whom issued for verification.

—Investigation of Said officer shall also examine¹ the applicant, such wit-
allegations made nesses as he may produce, and such other witnesses as
in; may be necessary, causing their testimony to be tran-
scribed in duplicate. When an applicant holding a cer-
tificate of residence and his witnesses live at a distance
from an immigration station, Form No. 432 may be exe-
cuted before any officer authorized to administer oaths
and the testimony of the witnesses furnished in affidavit
form, said executed form and affidavits to be forwarded
to the officer in charge of the district, accompanied by
applicant's certificate of residence. The remaining provi-
sions of the rule shall then be observed so far as applicable.

—accepting affi- (e) Upon completing the investigation said officer shall,
davits in lieu of after writing his signature across the margin of the pho-
oral testimony; tograph attached to each copy of the application, forward
the original and triplicate of the application, the certifi-
cate or certified copy of court record, two transcripts of
the testimony, and his report of his investigation of the
case, to the immigration official in charge at the port of
proposed departure. If applicant proposes to cross the
boundary at a Canadian border port and embark at Van-
couver, the papers shall be forwarded to the inspector in
charge, Vancouver. If he proposes to make a visit to
Canada merely, the papers shall be forwarded to the in-
spector in charge, Vancouver, if the border port of de-
parture is Sumas; to the inspector in charge, Winnipeg,
if the border port is Portal or Noyes; to the commissioner
of immigration, Montreal, if the border port is Detroit,
Buffalo, Malone, Richford, Lowelltown, or Vanceboro.

—disposition of, (f) The official in charge at the port of departure shall,
and of evidence upon the receipt of the papers named in the preceding
concerning; paragraph, return to the officer from whom received the
triplicate copy of the application, placing thereon a state-
ment as to whether or not he is satisfied, on the evidence
presented, to indorse the application favorably.

—noting conclu- (g) In the event an unfavorable response is received
sion on triplicate from the officer in charge at the port, the investigating
of; officer shall notify the applicant thereof, advising him

—applicant to be (g) In the event an unfavorable response is received
notified of con- from the officer in charge at the port, the investigating
clusion, and, if ad- officer shall notify the applicant thereof, advising him
verse, of right of appeal;

¹ For instructions regarding spelling of Chinese names, see Bureau Circular No. 12, dated Feb. 16, 1905.

that such decision is not final, but that he may appeal to the Commissioner General of Immigration from the adverse decision.¹ If a favorable response is received, the investigating officer shall deliver to the applicant the duplicate copy of the application, with instructions to exchange it at the office of the immigration officer in charge at the port of departure for the original thereof. The triplicate returned from the port of proposed departure and the duplicate copy of the report and of the transcript of testimony shall be placed on file in the office of the inspector in charge of the district (or subdistrict, as the local practice may require) in which the applicant has resided.

(h) Upon the arrival of the applicant at the port of departure and the presentation by him of the duplicate of the application, such duplicate shall be placed on file, and the original, with the indorsement of approval appearing thereon filled out and signed, and with the signature and seal of the officer in charge placed over the margin of the photograph, shall be delivered to the applicant for use upon his return. At the time of departure applicant's address in the country to which he is going shall be secured for use in case it should become necessary to correspond with him; and the applicant must be clearly advised that upon his return to the port of departure there must still exist the statutory ground for his readmission.

(i) On the return of the applicant the original application shall be compared with the duplicate on file, and with the person presenting it, and if the officer in charge is satisfied of the identity of such person, and nothing has occurred during his absence to discredit the evidence taken on the preinvestigation, he shall be promptly admitted without further examination or investigation, except to ascertain from applicant whether the statutory ground for admission still exists. The original application shall then be placed in the files, and the applicant's registration certificate or certified copy of court record shall be returned to him, unless he voluntarily surrenders

¹ Counsel may examine the appeal records in these cases and be loaned a copy thereof in the same manner as that provided with respect to appeals from excluding decisions. See par. (b), Rule 5.

Cases of this kind may be reopened for the same reasons, in the same manner, and with the same effect as cases of applicants for admission. See par. (e), Rule 5.

such paper as a condition precedent to the procurement of a certificate of identity,¹ and in the latter event a notation describing by number or otherwise the surrendered paper shall be placed on the certificate of identity.

Laborers, re-
turning, over-
time—
—United States
consular officers
to certify regard-
ing;

RULE 14. Whenever a Chinese laborer holding a return certificate is detained by his sickness or by other disability beyond his control for a time in excess of one year after the date of his departure from the United States, the facts shall be fully reported to and investigated by the consular representative of the United States at the port or place from which such laborer departs for the United States, and such consular representative shall certify, to the satisfaction of the officer in charge at the port of return, which must be the port from which such laborer departed, that he has fully investigated the statements of such laborer and believes that he was unavoidably detained for the time specified and for the reason stated, such certificate to be delivered by such consular representative to the master of the vessel on which the Chinese laborer departs for the United States and by the master delivered to the officer in charge at the port of return.²

—consular offi-
cer's certificate
concerning, to be
delivered to mas-
ter of vessel.

Exempt's re-
turn certificate,
application for—

RULE 15. (a) Any Chinese merchant,³ teacher, or student resident in the United States who desires to go abroad temporarily⁴ may, in order to avoid delay in securing admission upon return to one of the ports named in Rule 1 hereof, make written application to the immigration officer located nearest to his place of residence for preinvestigation of his claim of being a merchant, or teacher, or student within the meaning of the law, such application to be prepared in triplicate on Form No. 431, furnished by said immigration officer, and to be filed at least thirty days prior to the date of proposed departure.

—to be filed
30 days before de-
parture;

—photo to be at-
tached to, and
names of wit-
nesses furnished
in;

(b) To each of the three copies of said application there shall be attached a photograph of the applicant printed from the same negative; and there shall be furnished therein the names and addresses of two (or more) credible witnesses other than Chinese who are able and willing

¹ See Rule 19, par. (i).

² Sec. 7, act of 1888.

³ For definition of "merchant," see act of 1893 and footnotes.

⁴ The department has held that the wives and *minor* children of these classes are entitled also to the benefit of the rule.

to testify of their own knowledge that for at least one year immediately preceding the date of proposed departure the applicant has been engaged exclusively in the pursuit named by him. Exempt's return certificate. application for—

(c) The officer to whom said application is made shall examine the applicant, such witnesses as he may produce, and such other witnesses as may be necessary,¹ causing their testimony to be transcribed in duplicate, and shall take such other steps as may be necessary and proper to determine whether the applicant's claim is true.² —investigation of allegations made in, and of legality of residence;

(d) Upon completing the investigation said officer shall, after writing his signature across the margin of the photograph attached to each copy of the application, forward the original and triplicate of the application, two transcripts of the testimony, and his report of his investigation of the case, to the immigration official in charge at the port of proposed departure. If applicant proposes to cross the boundary at a Canadian border port and embark at Vancouver, the papers shall be forwarded to the inspector in charge, Vancouver. If he proposes to make a visit to Canada merely, the papers shall be forwarded to the inspector in charge, Vancouver, if the border port of departure is Sumas; to the inspector in charge, Winnipeg, if the border port is Portal or Noyes; to the commissioner of immigration, Montreal, if the border port is Detroit, Buffalo, Malone, Richford, Lowelltown, or Vanceboro. —disposition of, and of evidence concerning;

(e) The official in charge at the port of departure shall, upon the receipt of the papers named in the preceding paragraph, return to the officer from whom received the triplicate copy of the application, placing thereon a statement as to whether or not he is satisfied, on the evidence presented, to indorse the application favorably. —noting conclusion on triplicate of;

(f) In the event an unfavorable response is received from the officer in charge at the port, the investigating officer shall notify the applicant thereof, advising him that such decision is not final, but that he may appeal there- —applicant to be notified of conclusion, and, if adverse, of right of appeal;

¹ For instructions regarding spelling of Chinese names, see Bureau Circular No. 12, dated Feb. 16, 1905.

² The applicant should be carefully examined regarding the legality of his residence and his claims verified. If it is shown by the evidence submitted or adduced that he is unlawfully within the United States, his application should of course be denied.

Exempt's re- from to the Commissioner General of Immigration,¹ or
 turn certificate, may, if he so desires, depart from the country, relying
 application for— upon his ability to produce further and more satisfac-
 —disposition of tory evidence on his return. If a favorable response is
 duplicate a n d received the investigating officer shall deliver to the ap-
 triplicate of; plicant the duplicate copy of the application, with in-
 structions to exchange it at the office of the immigration
 officer in charge at the port of departure for the original
 thereof. The triplicate returned from the port of pro-
 posed departure and the duplicate copy of the report, of
 the transcript of testimony, and of documentary proofs
 shall be placed on file in the office of the inspector in
 charge of the district (or subdistrict, as the local practice
 may require) in which the applicant has resided.

—converting orig- (g) Upon the arrival of the applicant at the port of de-
 inal of, into re- parture and the presentation by him of the duplicate of
 turn certificate; the application, such duplicate shall be placed on file, and
 the original, with the indorsement of approval appearing
 thereon filled out and signed, and with the signature and
 seal of the officer in charge placed over the margin of the
 photograph, shall be delivered to the applicant for use
 —obtaining for- upon his return. At time of departure applicant's ad-
 eign address of dress in the country to which he is going shall be secured
 holder; for use in case it should become necessary to correspond
 with him, and he must be clearly advised that upon his
 return there must still exist the statutory ground for
 his readmission.

—identifica tion (h) On the return of the applicant the original appli-
 and readmission cation shall be compared with the duplicate on file, and
 of holder; with the person presenting it, and if the officer in charge
 is satisfied of the identity of such person, and nothing has
 occurred during his absence to discredit the evidence
 taken on the preinvestigation, he shall be promptly ad-
 mitted without further examination or investigation,
 except to ascertain from applicant whether the statutory
 ground for admission still exists. The original applica-
 tion shall then be placed in the files.

—reason for and (i) This rule is adopted as a *privilege*, not a *require-*
 character of regu- ment, and precludes no one from deferring the submission
 lation concerning; of his proofs and the determination of his claimed status

¹ Counsel may examine the appeal records in these cases and be loaned a copy thereof in the same manner as that provided with respect to appeals from excluding decisions. See par. (b), Rule 5.

Cases of this kind may be reopened for the same reasons, in the same manner, and with the same effect as cases of applicants for admission. See par. (e), Rule 5.

(primarily by an officer in charge at a port and finally, on appeal, by the Secretary) until application is made for re-<sup>Exempt's re-
turn certificate,
application for—</sup> entry, nor from leaving the country notwithstanding an adverse decision on an application submitted under this rule and again advancing his claim on returning to a port of the United States, with the privilege of appeal if then rejected.

(j) Chinese applying for preinvestigation under the terms of this rule, or for admission without having taken advantage of the rule, on the ground of having been domiciled in the United States as merchants, shall be required to establish to a reasonable certainty that they are actually owners of the business claimed or members of the firm owning such business, with proofs of the amounts actually paid for their respective interests and the times at which such payments were made. In no case should the claim of mercantile status be allowed unless inspection of the alleged mercantile establishment shows a *bona fide* capital and stock, the latter commensurate with the former and with the number of partners claimed.¹

RULE 16. (a) Any Chinese person residing in the United States and claiming that, by reason of birth in this country, he is lawfully entitled to so reside in, and to depart from and return to, the United States, who desires to go abroad temporarily, may, in order to avoid delay in securing admission upon return to one of the ports of entry named in Rule 1 hereof, make written application to the immigration officer located nearest to his place of residence for preinvestigation of his said claim, such application to be prepared in triplicate on Form No. 430, furnished by said immigration officer, and to be<sup>Native's return
certificate, appli-
cation for—</sup> filed at least thirty days prior to the date of proposed<sup>—to be filed
30 days before
departure;</sup> departure.

(b) To each of the three copies of said application there shall be attached a photograph of the applicant printed from the same negative.<sup>—photo to be at-
tached to;</sup>

(c) The officer to whom said application is made shall obtain from the applicant such documentary proofs<sup>—investigation of
allegations made
in;</sup> in duplicate of his claim as he may possess, and shall take all necessary steps (by correspondence with appropriate Government officials) to ascertain whether such documents are

¹ 61 Fed., 641. For further references see footnote 1, p. 22.

² As to method of proving prior adjudication by court or commissioner, see Bureau circular letters of Nov. 5 and 14, 1912, and Jan. 8, 1914, No. 53560-225.

Native's return
certificate, appli-
cation for—

—producing wit-
nesses concern-
ing;

—disposition of,
and of evidence
concerning;

—noting conclu-
sion on triplicate
of;

—applicant to be
notified of con-
clusion, and, if
adverse, of right
of appeal;

genuine and relate to the applicant; and shall examine the applicant, such witnesses as he may produce, and such other witnesses as may be necessary,¹ causing their testimony to be transcribed in duplicate: *Provided*, That the applicant shall produce all of his witnesses at a time and place agreed upon, and no further witnesses will be examined nor additional evidence considered at his request unless it is clearly shown that its previous production was impossible. It is not permissible to incur traveling expenses in preinvestigating alleged natives.

(d) Upon completing the investigation said officer shall, after writing his signature across the margin of the photograph attached to each copy of the application, forward the original and triplicate of the application, the documentary proofs, two transcripts of the testimony, and his report of his investigation of the case, to the immigration official in charge at the port of proposed departure. If applicant proposes to cross the boundary at a Canadian border port and embark at Vancouver, the papers shall be forwarded to the inspector in charge, Vancouver. If he proposes to make a visit to Canada merely, the papers shall be forwarded to the inspector in charge, Vancouver, if the border port of departure is Sumas; to the inspector in charge, Winnipeg, if the border port is Portal or Noyes; to the commissioner of immigration, Montreal, if the border port is Detroit, Buffalo, Malone, Richford, Lowelltown, or Vanceboro.

(e) The official in charge at the port of departure shall, upon the receipt of the papers named in the preceding paragraph, return to the officer from whom received the triplicate copy of the application, placing thereon a statement as to whether or not he is satisfied, on the evidence presented, to indorse the application favorably.

(f) In the event an unfavorable response is received from the officer in charge at the port, the investigating officer shall notify the applicant thereof, advising him that such decision is not final, but that he may appeal therefrom to the Commissioner General of Immigration,²

¹ For instructions regarding spelling of Chinese names, see Bureau Circular No. 12, dated Feb. 16, 1905.

² Counsel may examine the appeal records in these cases and be loaned a copy thereof in the same manner as that provided with respect to appeals from excluding decisions. See par. (b), Rule 5.

Cases of this kind may be reopened for the same reasons, in the same manner, and with the same effect as cases of applicants for admission. See par. (c), Rule 5.

or may, if he so desires, depart from the country, relying upon his ability to produce further and more satisfactory evidence on his return. If a favorable response is received, the investigating officer shall deliver to the applicant the duplicate copy of the application, with instructions to exchange it at the office of the immigration officer in charge at the port of departure for the original thereof. The triplicate returned from the port of proposed departure and the duplicate copy of the report, of the transcript of testimony, and of documentary proofs shall be placed on file in the office of the inspector in charge of the district (or subdistrict, as the local practice may require) in which the applicant has resided.

(g) Upon the arrival of the applicant at the port of departure and the presentation by him of the duplicate of the application, such duplicate shall be placed on file, and the original, with the indorsement of approval appearing thereon filled out and signed, and with the signature and seal of the officer in charge placed over the margin of the photograph, shall be delivered to the applicant for use upon his return. At the time of departure applicant's address in the country to which he is going shall be secured, for use in case it should become necessary to correspond with him.

(h) On the return of the applicant the original application shall be compared with the duplicate on file, and with the person presenting it, and if the officer in charge is satisfied of the identity of such person, and nothing has occurred during his absence to discredit the evidence taken on the preinvestigation, he shall be promptly admitted without further examination or investigation. The original application shall then be placed in the files for safekeeping and possible future use by the applicant should he again leave the United States.

(i) This rule furnishes a convenient method to be followed by Chinese residents of the United States claiming American citizenship who are desirous of departing from the country with assurance of prompt readmission on return. Compliance with its terms is a *privilege*, not a *requirement*. It precludes no one from deferring the submission of his proofs and the determination of his claimed status (primarily by an officer in charge at a port and finally, on appeal, by the Secretary) until application is made for reentry, nor from leaving the country notwithstanding an adverse

decision on an application submitted under this rule and again advancing his claim on returning to a port of the United States, with the privilege of appeal if then rejected.

Transit of laborers, requirements—

RULE 17. Chinese laborers shall not be granted the privilege of transit through the United States to foreign territory if afflicted with tuberculosis or a loathsome or dangerous contagious disease, nor, in any event, unless they comply with the following requirements; and if such a person is found, in the judgment of the officer in charge at the port of arrival, to be seeking the privilege of transit with an ulterior purpose of gaining unlawful access to the United States, he shall be refused permission to land:¹

—prepaid ticket to be shown;

(a) The applicant shall produce to the officer in charge at the port of arrival a prepaid ticket across the whole territory of the United States, land or water, intended to be traversed (and to his alleged foreign destination according to the manifest of the vessel on which he arrives), and such other reasonable proof as may be required to satisfy the said officer that a *bona fide* transit only is intended and that the applicant has not the ulterior purpose of gaining access to the United States in violation of law; and such ticket and evidence must be so stamped or marked and dated by the said officer as to prevent their use a second time. No such applicant shall be considered as intending in good faith to make such transit only if he has already, on the same arrival, made application for and been denied admission to the United States.

—bond conditioned for departure;

(b) The applicant, or some responsible person in his behalf, or the transportation company whose through ticket he holds, shall furnish to the said officer in charge a good and sufficient bond in the penal sum of \$500, conditioned for applicant's continuous transit through and actual departure from the United States within a reasonable time, not exceeding twenty days from the date said privilege is granted; but the said bond shall not be required of any such applicant who remains on ship-board or who is transferred from one vessel to another vessel in a United States port, for transit through the water territory of the United States, unless the vessel on which applicant departs is to touch at another port of the United States on the way to its foreign destination.

¹ 185 U. S., 296, 301-305; 111 Fed., 998.

(c) The applicant shall furnish to said officer in charge, ^{Transit of laborers, require-} to be taken as directed by said officer, a photograph of ^{ments—} himself in triplicate, together with such information as ^{—photograph;} may be required.

(d) The officer in charge at the port of arrival shall ^{—action of officers concerning;} prepare a descriptive list, to which one of the photographs required by paragraph (c) shall be attached, for file in his office, containing as to each Chinese laborer applying for the privilege of transit the following information: Name, age, sex, last place of residence, and the data referred to therein required for his identification. To ^{—descriptive lists;} the said descriptive list there shall be attached a dated and signed statement by the said officer in charge that applicant has complied with all the provisions hereof, and that, being assured of applicant's good faith, the privilege of transit under bond has been accorded him.

(e) Two copies of the descriptive list required by ^{—copies of descriptive list;} paragraph (d) shall be prepared by the officer in charge on detached blanks corresponding in form with the said descriptive list, to each of which shall be attached one of the photographs required by paragraph (c), and upon both of said photographs, as well as on the one attached to said list, shall be stamped the seal of the said officer in charge, so placed as not to cover any part of the face. One of said copies shall be forwarded by the first mail after it is prepared to the officer in charge at the intended port of exit and the remaining one shall be given to the conductor of the train, or to the captain of the vessel, by which the Chinese laborer to whom they relate is carried, for delivery to the said officer at the port of exit.

(f) One of the copies described in paragraph (e) shall ^{—procedure for cancellation of bond.} be retained by the officer in charge at the port of exit, for his files, and the other, after an indorsement has been made thereon, duly signed and dated, to the effect that the Chinese laborer named therein has been identified and has departed from the United States, shall be mailed to the officer by whom it was prepared, and its receipt by him, duly executed as herein required, shall be his authority for cancellation of the bond given on behalf of the Chinese laborer.

RULE 18. No Chinese person who shall satisfy the offi- ^{Transit of exempt classes—} cer in charge that he is other than a laborer (although not supplied with the certificate provided for by section 6 of the act of July 5, 1884), shall be required to comply

Transit of ex-empt classes—
 —photographs and measurements not required.

with so much of the provisions of Rule 17 as requires Chinese persons seeking the privilege of transit to submit photographs of themselves and to be measured. If, however, any such Chinese person, after having been admitted to pass in transit through the United States, be found therein at the expiration of twenty days from the date of such admission, he shall be deemed to be in the United States in violation of law and shall be deported.

Certificate of identity for admitted Chinese—
 —to whom issued;
 —one only to one person;

RULE 19.¹ (a) With a view to affording a proper and efficient means of identification to Chinese persons, or persons of Chinese descent, admitted or readmitted to the United States upon proof of their status as members of the classes specifically exempted from the excluding provisions of the Chinese-exclusion laws, or upon proof that they are lawfully resident laborers or citizens of the United States by birth therein, a certificate of identity shall hereafter be issued by the officer in charge at the port of entry to each such person admitted or readmitted to this country by him who may apply for the same; the instructions hereinafter given to be carefully observed in issuing such certificates: *Provided*, That only one such certificate shall be issued to any one Chinese person, except that duplicates may be furnished of those unavoidably lost or destroyed, under the terms of paragraph (g) of this rule, the method to be followed with a view to preventing a violation of this proviso being described in paragraph (h) hereof.

—printing and arrangement of;

(b) The certificates are printed from engraved plates, numbered consecutively, and bound in books containing 50 each, an original and a duplicate of each number being furnished, arranged the latter above the former for convenience in copying from one to the other, and perforated to permit of easy detachment from the book and from each other.

—manner of issuing;

(c) In issuing said certificates care shall be exercised to have the original and the duplicate correspond in every detail. All blank spaces remaining after writing in the data required to complete the identification of the person to whom the certificate is issued shall be covered by ruled lines, so as to prevent the insertion of any additional word or words without detection, and the seal of the

¹ For particulars regarding the registration of Chinese born in the Hawaiian Islands and the granting of certificates of identity to such persons, see Bureau Circular No. 23, dated Jan. 14, 1908.

issuing officer should be impressed across the margin of the photograph near the center of the certificate. Certificate of identity for admitted Chinese—

(d) These certificates being issued as an accommodation —photographs for; to Chinese persons, such persons as may apply for same shall be required to furnish two suitable unmounted photographs of themselves, printed from a negative that has not been retouched, representing the subject without hat, full front view, showing both ears, measuring $1\frac{1}{4}$ inches from top of head to point of chin. The photograph shall be attached to the certificate with great care to insure permanency and prevent warping. The height shall be carefully taken and inserted in feet and inches, and in recording physical marks and peculiarities those which are the most prominent and the least likely to be obliterated by lapse of time shall be selected. In recording the status as of which admitted, the address to which proceeding shall be given, if possible.

(e) These certificates, as shown on their face, are issued —forfeiture of, by loss of status, improper use, or fraud; to Chinese of the exempt classes for their protection and identification *only so long as such persons shall retain their exempt status*, and are not transferrable. Therefore, when such a certificate is found by an inspector in the possession of a person to whom issued as an exempt, engaged in the performance of manual labor, or of a person to whom it does not relate as shown by a comparison of such person with the photograph and personal description appearing thereon, or if at any time it should develop that such certificate has been obtained by fraud, the certificate shall be taken up and forwarded to the Bureau of Immigration, with report of the circumstances, for decision whether it shall be canceled.

(f) The duplicates of the certificates shall be forwarded —duplicates of; to the Bureau of Immigration promptly upon the issuance of the originals, in order that such duplicates may be safely filed for future reference.

(g) If such a certificate of identification shall be un- —reissue of, if lost; avoidably lost or destroyed at any time, a certificate in lieu thereof will be issued by the Bureau of Immigration upon the applicant's furnishing satisfactory proof of the unavoidable loss or destruction of such certificate, of his identity as the person to whom it was originally issued, and of his exempt status.

(h) The certificate of identity when issued to Chinese —limitation of use and value of; of the exempt classes is granted solely for the protection of such Chinese while *residing in* the United States and

Certificate of
identity for ad-
mitted Chinese—

—weight to be ac-
corded as evi-
dence;

—certificates and
evidence upon
which issued to
be taken up at
ports of entry.

Certificate of
residence—
—method of issu-
ing originals;

—officer empow-
ered to issue;

retaining an exempt status, and will not, therefore, be accepted as satisfactory evidence in any other connection.

For example, a domiciled exempt holding such a certificate of identity will not be excused from a compliance with the terms of par.(j) of Rule 15. The certificate may, however, be accepted as evidence of a former admission as of an exempt status, and be given such *cumulative* value as the circumstances of a case justify. When issued to a person of Chinese descent, as a United States citizen by birth, the certificate will be accepted at all times thereafter as evidence of the holder's right to reside in the United States; extreme caution to be observed, however, in determining whether the certificate is genuine and in the hands of the person to whom issued:¹ *Provided, always,* That fraud has not been perpetrated upon the Government in securing its issuance.

(i) Upon the issuance of the certificate of identity herein prescribed, all other certificates or papers offered by Chinese exempts or natives to establish their right of admission to the United States shall be retained by the officer at the port of entry, a notation in red ink showing the number of the certificate issued in lieu of them and that they are canceled and filed, to be written across the face of such papers.²

RULE 20. (a) An original certificate of residence can be issued to a Chinese laborer only upon the finding of a justice, judge, or commissioner of a United States court that such Chinese laborer was a resident of the United States during the period of registration and that, by reason of accident, sickness, or other unavoidable cause he was then unable to secure such a certificate.³

(b) The authority, power, and jurisdiction in relation to the registration of Chinese lawfully resident in the United States, formerly vested by law in collectors of internal revenue, have been transferred to the Commissioner General of Immigration, Washington, D. C., to whom, therefore, applications for original certificates should be addressed, accompanied by a certified transcript of a

¹ See Rule 13, par. (i).

² The certificate is not, however, conclusive evidence of citizenship nor to be regarded as *res judicata* in the case of the holder or his alleged wife or child. See Bureau circular letters of Nov. 5 and 14, 1913, and Jan. 8, 1914, No. 53560-225.

³ See sec. 6, act of May 5, 1892, as amended by sec. 1, act of Nov. 3, 1893, and footnotes.

judicial finding of the character described in paragraph ^{Certificate of residence—} (a) hereof.

RULE 21. Duplicate certificates of residence shall be ^{—manner of issuing duplicates;} issued only upon satisfactory proof to the Commissioner General of Immigration that the Chinese person upon whose behalf application therefor is made has actually, by unavoidable accident, lost his original certificate. Applications for such certificates should be addressed to the Commissioner General of Immigration, Washington, D. C., should be sworn to, and should contain the following data:

(1) Applicant's name; also any other names known by ^{—data required in applications for.} at time of registration.

(2) Number of original certificate of residence, if obtainable.

(3) Whether original certificate was issued under act approved May 5, 1892, or act approved November 3, 1893, amendatory thereof.

(4) Place and at least approximate date of issue of original certificate.

(5) Applicant's place of residence, town, street, and number, and occupation at time of issuance of original certificate.

(6) Applicant's present place of residence and occupation.

(7) Applicant's present age and exact height, color of his eyes and complexion, and any physical marks or peculiarities that would aid in his identification.

(8) A statement of the circumstances under which original certificate was lost, including date, place, and every detail of such loss.

(9) Affidavits of witnesses familiar, of their own personal knowledge, with the circumstances of the loss.

(10) Three unmounted photographs of applicant from a negative that has not been retouched, full front view, showing both ears, about 3 by 3 inches square, head 1½ inches long from top of head to point of chin—one to be attached to the duplicate, if issued, the others to be retained in the files of the bureau.

(11) Time of applicant's first arrival in the United States and port of landing.

(12) Name of witness to *original* application for registration.

RULE 22. (a) Officers shall not issue any certificate, ^{Certificates—none to be issued except as provided in these regulations;} letter, or other document, or any duplicate thereof, other than those provided for by law and these regulations, setting forth the status of a Chinese person as a

Certificates— resident of this country, or otherwise indorsing such person.

—“lifting” of. (b) Certificates of residence issued to Chinese laborers, if found elsewhere than in possession of persons to whom issued, shall be taken up and forwarded to the Bureau of Immigration.

Arrest and de-
portation of Chi-
nese—

RULE 23. (a) Chinese inspectors and immigrant inspectors shall examine all Chinese persons resident or found within the United States not personally known to them to be legally entitled to be and remain in the country, and shall inspect the certificates of residence or other papers found in the possession of such Chinese and conduct such examination as may be necessary to determine the identity of the Chinese as the proper holder of such paper or to determine the status of such Chinese when no paper is presented.¹ If it is found that any Chinese person is unlawfully in the United States, proceedings shall be instituted by such inspectors under either or both the Chinese-exclusion and the immigration laws, looking to the deportation of such Chinese in accordance with the provisions of said laws.²

—supervision on
land boundaries;

(b) Chinese inspectors and immigrant inspectors stationed on the land boundaries of the United States shall, in accordance with instructions to that end which shall be given by the officers under whose immediate supervision they serve, adopt proper measures to prevent the departure from cities, towns, or other places on or in the immediate vicinity of the land boundaries of Chinese who have not been examined and whose papers have not been

¹ For decisions as to who are laborers, see footnote 1 to act of 1893 (p. 22, *ante*).

² Chinese, as well as other aliens, who enter the United States surreptitiously enter “in violation of law” as contemplated by sections 8, 18, 20 (first clause), 35, and 36 of the immigration act of Feb. 20, 1907 (170 Fed., 566; 174 Fed., 674; 223 U. S., 67; 202 Fed., 65 and 914; 203 Fed., 25), and are to be deported to the transoceanic port of foreign embarkation (section 35, act of 1907; 176 Fed., 933 and 998; 183 Fed., 260; 195 Fed., 693; 223 U. S., 67). Chinese who are found in the United States in violation of the exclusion laws are “subject to deportation under the provisions of any (a) law of the United States,” as contemplated by section 21 of the said immigration act, and are to be arrested in accordance with the provisions of said section (see footnote 1 to section 21, p. 31, *ante*). In arresting Chinese under either or both of said sections of the immigration act the provisions of Rule 22 of the immigration rules should be followed so far as applicable.

For citations of court decisions rendered in connection with the arrest of Chinese, see footnotes to acts of 1888, 1892, and 1893, pp. 16-18 and 22-23, *ante*.

inspected in accordance with paragraph (a) hereof: *Provided*, That due precautions shall be adopted to avoid molesting *bona fide* residents of such places on the land boundaries, the purpose hereof being to prevent the departure for the interior of Chinese who have effected unlawful entry across such boundaries.

(c) Whenever information regarding violations of the Chinese-exclusion laws is obtained by any inspector, it shall be promptly furnished direct to the officer in charge of the district involved; and, to the end that immigration officers generally may readily determine whether a Chinese witness under examination has previously testified, the following practice shall be observed: Such witnesses shall be questioned concerning material details¹ with respect to members of their families, and as to whether they are acquainted with any Chinese born in the United States, and a record made of their testimony; a notation² then to be written upon the certificate of residence, certificate of identity, or other paper presented by witness as documentary evidence of his status, such notation to show name of station of the inspector and the office number of the case under investigation. Thus officers subsequently examining the same witness will become aware of the availability for comparison of the previously given testimony.

RULE 24. To insure the identification of Chinese arrested within the United States, the following instructions shall be observed with respect to the photographing of such Chinese, the expense thereof to be borne by the appropriation "Expenses of regulating immigration" (Chinese).

(a) Every Chinese person arrested under the exclusion laws by an immigration or other official will be photographed immediately upon the consummation of the arrest, the photograph to be prepared in triplicate and not retouched nor mounted, one copy to be attached to the United States court or commissioner's docket, one to be furnished the officer in charge of the district in which the arrest occurs, and the other to be attached (in the event that deportation is finally ordered) to the writ of deportation.

¹ This notation should be written across some of the printing or writing on the certificate, so it can not be easily erased.

² Such as name, age, place of birth, and residence, etc.

Arrests—

—when photo-
graphs to be made
by other than
officers;

(b) When arrests occur at stations the officers of which are supplied with photographers' apparatus, the photographs will be made by such officers; when in other localities, the immigration officers will have the photographs made by local photographers at the least possible expense compatible with a proper performance of the work, bills therefor to be rendered on the blank vouchers supplied for rendering accounts.

—photograph to
be attached to
docket;

(c) The copy of the photograph attached to the docket of the court or commissioner should be permanently affixed thereto and in such manner as to render as remote as possible the chance of any change or substitution being made.

—to office record;

(d) The copy furnished the officer in charge of the district will be placed in his office records, together with a short history of the case to which it relates, being filed in such manner as to furnish a comprehensive record that can be readily referred to when needed at any future time.

—to writ of depor-
tation;

(e) The copy attached to the writ in case of deportation should be affixed permanently thereto, and in such manner as to prevent the substitution of some other photograph therefor,¹ the objects of its use being to afford a means of identifying the alien, as the person referred to in the writ, and to supply the immigration official at the port of deportation with a means of identifying the person delivered on board the vessel as such person.

Deportation—
charges inci-
dent to;

RULE 25. The appropriation "Expenses of regulating immigration" should be charged with the expense of deporting Chinese aliens arrested under the immigration law (unless the transportation company is responsible for a part of such expense), and with the following expenses connected with the deportation of Chinese under the Chinese-exclusion laws.

(a) The cost of maintenance of Chinese persons who are taken into custody up to and including the date upon which warrant issued by a United States judge or commissioner is received by the marshal.²

¹ The best method of obtaining this result is to impress the court or commissioner's seal over the edge of the photograph in such a way as not to mar or deface the features represented thereby.

² Regarding cost of photographing, see Rule 24.

(b) The cost of maintenance of such Chinese, com-
mencing with the date writ of deportation is first received by the marshal, and in case of appeal, cost of maintenance up to the date of such appeal, and from the date of receipt by the marshal of the court's orders dismissing the appeal.

Deportation—
—charges in ci-
dent to;

(c) The cost of deportation, including railroad and steamship fares of prisoners and marshal or deputy, authorized expenses for guard hire, and maintenance en route.

Upon receiving writs of deportation marshals should at once make written report to the Commissioner General of Immigration, Department of Labor, Washington, D. C., giving names of the Chinese, where confined in jail, and when the period of appeal provided by section 13 of the act approved September 13, 1888, will expire. Instructions will then be issued as to the route to be followed, number of guards to be employed, and to whom accounts are to be presented or forwarded for settlement.

—instructions to
United States
marshals con-
cerning;

(d) Pursuant to the provisions of the act approved June 23, 1913,¹ any officer of the United States Immigration Service, Department of Labor, who may be detailed for that purpose by the Commissioner General of Immigration, is designated to accept custody of Chinese persons who may be ordered deported under judicial writs. Immigration officers to whom such Chinese are delivered by United States marshals shall give the latter a proper receipt showing such delivery and, for completion of the court records, shall also make return of the original writ in each case showing final disposition of the person named therein.

—immigration of-
ficers selected to
effect;

(e) In cases where United States marshals are requested to make delivery of Chinese for deportation at some point requiring travel to reach there, actual and necessary expenses will be allowed under the travel regulations of the Department of Labor. Government requests for transportation (Department of Labor) will, when practicable, be furnished to marshals by officers of the Immigration Service for the procurement of tickets required to accomplish delivery of Chinese deportees to designated points. Guard hire (when authorized) and personal expenses of such guards will be classed as "traveling expenses" of

—expenses of de-
livering Chinese
to deporting off-
cers;

¹ For said provision, see p. 32, *ante*.

Deportation—
—charges inci-
dent thereto;

—accounts for
subsistence, etc.

the marshal or deputy making such deliveries, and must be supported by appropriate receipts as subvouchers.

(f) The accounts of jailers, sheriffs, or other officers for subsistence furnished to Chinese persons and which may properly be payable from the appropriation "Expenses of regulating immigration" shall be rendered on Form 573 of the Department of Labor and transmitted by the marshal, after approval by him, to the commissioner of immigration or inspector in charge of the immigration district whence each such Chinese person was ordered deported, for record and transmission to the department for settlement, accompanied by Form 421, duly certified. A like method of transmission shall be followed in the case of vouchers on Form 571, for traveling expenses.

Officers in
charge—

—designation and
location of.

RULE 26. Under the authority conferred by section 7 of the act approved February 14, 1903, entitled "An act to establish the Department of Commerce and Labor," and the act approved March 4, 1913, entitled "An act to establish a Department of Labor," the authority, power, and jurisdiction in relation to the exclusion of Chinese persons and persons of Chinese descent vested by law in collectors of customs are conferred upon and vested in officers in charge of districts (or inspectors acting under their direction) as follows, such officers being under the control of the Commissioner General of Immigration, and, pursuant to the said authority, the Chinese and immigrant inspectors in the United States Immigration Service are hereby designated to exercise the powers of arrest conferred upon United States customs officials and collectors of internal revenue and their deputies, by section 6 of the act approved May 5, 1892 (27 Stat., p. 25), as amended by section 1 of the act approved November 3, 1893 (28 Stat., p. 7).

Dist. No.	Title of officer.	Location of headquarters.	Extent of districts.
1	Commissioner of immigration.	Montreal, P. Q., Canada.	Canadian border and Canadian seaports. ¹
2	do.	Boston, Mass.	New England States, including port of Boston and subports of Portland and New Bedford.
3	do.	Ellis Island, New York Harbor.	New York and New Jersey; immigration matters only.
4	Chinese inspector in charge.	17 State Street, New York, N. Y.	New York and New Jersey; Chinese matters only.
5	Commissioner of immigration.	Philadelphia Immigration Station, Gloucester City, N. J.	Eastern Pennsylvania and Delaware; port of Philadelphia and substations of Chester and Wilmington.
6	do.	Baltimore, Md.	Maryland and District of Columbia; port of Baltimore and subports of Annapolis and Washington.
7	Inspector in charge.	Norfolk, Va.	Virginia and North Carolina; port of Norfolk and subports of Newport News and Wilmington.
8	do.	Jacksonville, Fla.	Georgia, Florida, Alabama, and South Carolina; port of Jacksonville and subports of Savannah, Brunswick, Tampa, Miami, Key West, Pensacola, Mobile, and Charleston.
9	Commissioner of immigration.	New Orleans, La.	Louisiana, Mississippi, Arkansas, and Tennessee; port of New Orleans and subports of Gulfport and Pascagoula.
10	Inspector in charge.	Galveston, Tex.	The port of Galveston and subports of Port Arthur and Corpus Christi, Tex. The territory bounded on the north and east by the Louisiana-Texas border and the Gulf of Mexico; on the west by the westerly boundaries of the following counties in Texas: Shelby, Nacogdoches, Angelina, Polk, San Jacinto, Montgomery, Harris, Fort Bend, Wharton, Jackson, Victoria, Refugio, San Patricio, and Nueces; and on the south by the southerly boundary of Nueces County, Tex.
11	do.	Cleveland, Ohio.	Ohio and Kentucky; substations at Toledo and Cincinnati.
12	do.	Chicago, Ill.	Illinois, Indiana, Michigan, and Wisconsin.
13	do.	Minneapolis, Minn.	Minnesota and North and South Dakota.
14	do.	St. Louis, Mo.	Missouri, Iowa, Kansas, and Oklahoma.
15	do.	Denver, Colo.	Colorado, Wyoming, Nebraska, and Utah; substation at Salt Lake City.
16	do.	Helena, Mont.	Montana and Idaho; substation at Havre, Mont.
17	Commissioner of immigration.	Seattle, Wash.	Washington; port of Seattle and subports of Tacoma, Port Townsend, Hoquiam, Everett, and Bellingham; substations, Spokane, Walla Walla, Custer, and Nooksack.
18	Inspector in charge.	Portland, Oreg.	Oregon; port of Portland and subport of Astoria.
19	Commissioner of immigration.	San Francisco, Cal.	Northern California and Nevada; port of San Francisco; substations, Sacramento and Eureka.
20	Inspector in charge.	Pittsburgh, Pa.	Western Pennsylvania and West Virginia.
21	do.	Ketchikan, Alaska.	Alaska; port of Ketchikan and substations of Skagway and Nome.
22	Commissioner of immigration.	San Juan, P. R.	Porto Rico; port of San Juan and subports of Ponce and Mayaguez.
23	Inspector in charge.	Honolulu, Hawaii.	Territory of Hawaii, including all ports.
24	Supervising inspector.	El Paso, Tex.	Texas, except portion comprising district No. 9; New Mexico, Arizona, and southern California; port of El Paso; subports of Brownsville, Eagle Pass, Laredo, Hidalgo, and Del Rio, Tex.; Nogales, Douglas, and Naco, Ariz.; and San Diego, Tia Juana, Campo, and Calexico, Cal.; substations of San Antonio, Fort Worth, Harlingen, Amarillo, and Big Springs, Tex.; Tucumcari, Alamogordo, Albuquerque, San Marcial, and Deming, N. Mex.; Bowie, Benson, and Phoenix, Ariz.; and Los Angeles, Santa Barbara, San Luis Obispo, Fresno, Bakersfield, and Andrade, Cal.

¹ See Rule 12, Immigration Rules.

A. CAMINETTI,
Commissioner General of Immigration.

Approved, January 24, 1914.

W. B. WILSON,
Secretary.

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